

Exhibit 25

IRVINGTON PUBLIC SCHOOLS' OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT (IRVINGTON) (SD MSJ NO.4)

Case No.: 4:22-md-03047-YGR

MDL No. 3047

Member Case No.: 4:23-cv-01467-YGR

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

CONFIDENTIAL

Page 1

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 - - - - -

4 IN RE: SOCIAL MEDIA CASE NO.
5 ADOLESCENT ADDICTION/PERSONAL 4:22-md-03047-YGR
6 INJURY PRODUCTS LIABILITY MDL No. 3047
7 LITIGATION

8
9 THIS DOCUMENT RELATES TO:

10 Irvington Public Schools

11 vs.

12 Meta Platforms Inc., et al.

13 Member Case No.: 4:23-cv-01467-YGR

14 - - - - -

15 Tuesday, May 6, 2025

16 CONFIDENTIAL - ATTORNEYS' EYES ONLY

17 PURSUANT TO PROTECTIVE ORDER

18 Videotaped deposition of APRIL K. VAUSS,
19 held at the offices of the Irvington Board of
20 Education, One University Place, Irvington, New
21 Jersey, commencing at 9:41 a.m. Eastern, on the
22 above date, before Robin L. Clark, Professional
23 Reporter and Notary Public in and for the State of
24 New Jersey.
25

CONFIDENTIAL

Page 2

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CONFIDENTIAL

Page 3

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CONFIDENTIAL

Page 4

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11 Inc.

12 - - - - -

CONFIDENTIAL

Page 5

1	I N D E X		
2	WITNESS		PAGE
3	APRIL K. VAUSS		
4	BY MR. KARP:		10
5	E X H I B I T S		
6	NUMBER	DESCRIPTION	MARKED
7	Vauss		
8	Exhibit 1	Curriculum Vitae	12
9	Exhibit 2	Article entitled "How to Direct a Districtwide Tech Transformation on a Budget"	63
10		Bates BW__Irvington00182944 to 00182946	
11	Exhibit 3	Email dated 3/5/20 Bates BW__Irvington 00005125	71
12			
13	Exhibit 4	Technology Plan 2013 to 2016 Bates BW__Irvington00005126 to 00005146	73
14			
15	Exhibit 5	Email dated 6/10/22 Bates BW__Irvington00169330	94
16			
17	Exhibit 6	Technology Plan 2022-2027 Bates BW__Irvington00169331 to 00169369	96
18			
19	Exhibit 7	IPS Student Code of Conduct Bates BW__Irvington00223664 to 00223744	128
20			
21	Exhibit 8	Video Clip	167
22			
23	Exhibit 9	Irvington Public Schools: Emergency Virtual or Remote Instruction Programs for the 2023-2024 School Year Bates BW__Irvington00068487 to 00068515	168
24			
25			

CONFIDENTIAL

Page 6

1	Exhibit 10	IPS Performance Report 2023-2024	175
2	Exhibit 11	IPS Performance Report 2023-2024 for Enrollment data	176
3	Exhibit 12	IPS Performance Report 2023-2024 for Chronic Absenteeism	186
4	Exhibit 13	IPS Performance Report 2023-2024 for Academic Performance	196
5	Exhibit 14	NJSLA Science Assessment: Grade 5 Summary	202
6	Exhibit 15	NJSLA Science Assessment: Grade 8 Summary	206
7	Exhibit 16	NJSLA Science Assessment: Grade 11 Summary	206
8	Exhibit 17	Email dated 6/3/20 Bates BW__Irvington00188208	212
9	Exhibit 18	Dr. Rivera's Covid 19 Crisis Response Program Bates BW__Irvington00188209 to 00188212	213
10	Exhibit 19	Email String Bates BW__Irvington00161969 to 00161970	251
11	Exhibit 20	Grant Final Attachment Bates BW__Irvington00161971	253
12	Exhibit 21	NJ 101.5 News Article	266
13	Exhibit 22	Email dated 11/14/23 Bates BW__Irvington00489736 to 00489737	294
14	Exhibit 23	Email dated 1/24/23 Bates BW__Irvington00063621 to 00063622	304

CONFIDENTIAL

Page 7

Exhibit 24 Email dated 8/3/23 Bates 313
BW__Irvington00070026 to
00070028

1
2
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CONFIDENTIAL

Page 8

DEPOSITION SUPPORT INDEX

- - - - -

Direction to Witness Not to Answer

Page Line

14 4

61 11

62 3, 21

Request for Production of Documents

Page Line

284 17

Question Marked

Page Line

NONE

CONFIDENTIAL

Page 9

1 THE VIDEOGRAPHER: We are now
2 on the record. My name is Daniel
3 Ortega and I am the legal
4 videographer for Golkow Litigation
5 Services. Today's date is May 6,
6 2025, and the time is 9:41 a.m.

7 This video deposition is
8 being held at One University
9 Place, Irvington, New Jersey, in
10 the matter of Social Media, CA
11 MDL 3047, Irvington Public
12 Schools versus Meta Platforms,
13 Inc., et al.

14 The deponent today is April
15 Vauss. All counsel will be noted
16 on the stenographic record. The
17 court reporter today is Robin
18 Clark and will now swear in the
19 witness.

20 - - - - -

21 APRIL K. VAUSS, having been
22 duly sworn, was examined and
23 testified as follows:

24 - - - - -
25

CONFIDENTIAL

Page 10

1 BY MR. KARP:

2 Q. Good morning, Dr. Vauss.

3 A. Good morning.

4 Q. My name is Andrew Karp and I
5 represent Snap in this litigation.

6 Can you please state your
7 full name for the record?

8 A. My name is April K. Vauss.

9 Q. You understand that you're
10 under oath today?

11 A. Yes, uh-huh.

12 Q. Is there any reason you
13 cannot provide truthful and accurate
14 testimony today?

15 A. No.

16 Q. If at any point you don't
17 understand a question that I've asked,
18 please let me know and I'll do my best to
19 clarify. Okay?

20 A. Sure.

21 Q. Throughout today's
22 deposition, I may refer to Irvington Public
23 Schools as IPS. You'll understand when I
24 use that acronym, I mean Irvington Public
25 Schools?

CONFIDENTIAL

Page 11

1 A. Yes.

2 Q. Okay. What is your home
3 address?

4 A. [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED].

6 Q. And what is your work
7 address?

8 A. One University Place,
9 Irvington, New Jersey 07111.

10 Q. Okay. Is this your first
11 time being deposed?

12 A. It is.

13 Q. Lucky you. In advance of
14 your deposition, we asked for a copy of
15 your CV and just a few minutes before we
16 got started today, your counsel provided me
17 with a copy. So let's take a few minutes
18 to walk through that. We'll mark this as
19 Exhibit 1. Do you have a copy in front of
20 you, Dr. Vauss?

21 A. I do not.

22 MR. KARP: Okay. Michael, did
23 you print a copy of Dr. Vauss's CV?

24 THE WITNESS: Thank you.

25 MR. INNES: I was trying to

CONFIDENTIAL

Page 12

1 text that person to get off.

2 THE EXHIBIT TECH: Do you have
3 a tab number?

4 MR. KARP: This was just
5 provided a few minutes ago in hard
6 copy, but we can get you an
7 electronic copy after the
8 deposition.

9 - - - - -

10 (Curriculum Vitae marked
11 Vauss Exhibit 1 for
12 identification.)

13 - - - - -

14 BY MR. KARP:

15 Q. Dr. Vauss, do you recognize
16 this document?

17 A. I do.

18 Q. Okay. What is this document?

19 A. This is my résumé.

20 Q. And did you put this
21 together?

22 A. I did, or maybe my
23 secretaries. I mean, this is the latest
24 one, but, yes, but the genesis of it was
25 me.

CONFIDENTIAL

Page 13

1 Q. Okay.

2 A. Yes, yes.

3 Q. Okay. Do you recall
4 approximately when this CV was put
5 together?

6 A. I believe 2020. I think this
7 was the résumé I submitted for my
8 application for superintendent.

9 Q. Okay. So, to your knowledge,
10 this résumé has not been updated since
11 roughly 2020?

12 A. Yes.

13 Q. Okay. Sitting here today, do
14 you have any reason to doubt the accuracy
15 or the completeness of any information in
16 this CV?

17 A. I see one error. My
18 graduation date was December 1995. In my
19 affidavit I corrected, because it had
20 June 1994 as well. So in my affidavit, it
21 says December 1995.

22 Q. Okay. And you're referring
23 to your graduation from Earlham College?

24 A. That is correct.

25 Q. Okay. You just referred to

CONFIDENTIAL

Page 14

1 an affidavit, can you explain to me exactly
2 what that document is that you're referring
3 to?

4 MR. INNES: Objection.

5 Ms. Vauss, I'll direct you not to
6 answer that question because it
7 will divulge attorney-client
8 privilege.

9 BY MR. KARP:

10 Q. Are you going to follow your
11 counsel's instruction not to answer?

12 A. Yes.

13 Q. Okay. Great. Let's walk
14 through your education. You, as you just
15 told us, received your bachelor's degree in
16 sociology and anthropology from Earlham
17 College in 1995?

18 A. Yes.

19 Q. Okay. You then went on to
20 get a master's of arts in secondary
21 education from Oakland City University in
22 Indiana?

23 A. Yes.

24 Q. After that, you received your
25 master of arts in educational

CONFIDENTIAL

Page 15

1 administration from Oakland City University
2 in May of 2009?

3 A. That's correct.

4 Q. And then, finally, you
5 received your educational doctorate in
6 administration from Oakland City University
7 in May of 2017?

8 A. That is correct.

9 Q. Okay. You don't have any
10 training in child psychology?

11 A. No.

12 Q. No training in psychiatry?

13 A. No.

14 Q. You don't have any training
15 in addiction treatment?

16 A. No.

17 Q. Are you the author of any
18 articles or studies regarding education?

19 A. Yes.

20 Q. Okay. Which ones?

21 A. I wrote -- my dissertation
22 was based on how cooperative learning
23 enhances minors understanding of
24 mathematics.

25 Q. And was that dissertation

CONFIDENTIAL

Page 16

1 written in connection with your -- the
2 doctorate you earned in May --

3 A. Yes.

4 Q. -- of 2017.

5 A. Uh-huh.

6 Q. Did you address any matters
7 relating to social media in that
8 dissertation?

9 A. No.

10 Q. Are you the author of any
11 articles or studies regarding adolescent
12 mental health or well-being?

13 A. No.

14 Q. Have you conducted any
15 research on adolescent mental health or
16 well-being?

17 A. No.

18 Q. And are you the author of any
19 articles or studies regarding social media?

20 A. No.

21 Q. Have you -- excuse me, have
22 you conducted any research on social media?

23 MR. INNES: Objection to form.

24 You can answer.

25 THE WITNESS: Oh, okay. No.

CONFIDENTIAL

Page 17

1 BY MR. KARP:

2 Q. Let's talk a little bit about
3 your job experience. You are currently
4 employed by Irvington Public Schools,
5 correct?

6 A. Yes.

7 Q. And you -- what is your
8 current job title?

9 A. Superintendent.

10 Q. And you've been the
11 superintendent of Irvington Public Schools
12 since 2020?

13 A. Yes.

14 Q. You were interim
15 superintendent -- excuse me, you were
16 promoted to interim superintendent in April
17 of 2020?

18 A. April 20th, uh-huh.

19 Q. And then you became
20 superintendent, I guess, officially in June
21 of 2020; is that right?

22 A. July 1st.

23 Q. July of 2020, my apologies.

24 A. Okay.

25 Q. You've been with Irvington

CONFIDENTIAL

Page 18

1 Public Schools for quite sometime?

2 A. Yes, uh-huh.

3 Q. You started out as a math
4 specialist; is that right?

5 A. Yes, uh-huh.

6 Q. Can you tell me what that
7 entailed?

8 A. I helped teachers perfect
9 their math instruction.

10 Q. And you held that role as a
11 math specialist from September of 2004
12 through June of 2010?

13 A. Yes, uh-huh.

14 Q. And in that role, did you
15 work at a specific school or was that a
16 district-wide position?

17 A. I actually worked at this
18 school, University Elementary School.

19 Q. After that, you went on to
20 become a fourth grade teacher at University
21 Elementary School?

22 A. For one year, yes.

23 Q. And you were in that role
24 from September of 2010 through June of
25 2011, correct?

CONFIDENTIAL

Page 19

1 A. Yes.

2 Q. Following that, you became
3 assistant principal of more than one school
4 within IPS between the years -- excuse me,
5 during the period November 2011 to December
6 of 2013, correct?

7 A. Yes.

8 MR. INNES: Objection to form.

9 THE WITNESS: Sorry.

10 BY MR. KARP:

11 Q. Your résumé indicates that
12 you were assistant principal at Florence
13 Avenue Elementary School and assistant
14 principal at University Middle School from
15 November of 2011 to December of 2013.

16 Do you see that?

17 A. (Nodding).

18 Q. Were you in those roles at
19 the same time or did they happen one right
20 after the other?

21 A. They were one after the
22 other.

23 Q. Okay. So which one came
24 first?

25 A. Florence Avenue.

CONFIDENTIAL

Page 20

1 Q. Okay. So you were first an
2 assistant principal at Florence Avenue and
3 then you became assistant principal at
4 University Middle School?

5 A. Yes, uh-huh.

6 Q. Okay. In January of 2014,
7 you became the principal of Florence Avenue
8 School?

9 A. Yes.

10 Q. And you held that position
11 through June of 2017; is that right?

12 A. Yes.

13 Q. Okay. In July of 2017, you
14 became assistant superintendent of
15 curriculum and instruction for the
16 Irvington Board of Education?

17 A. Yes.

18 Q. And then, as we just
19 discussed, you became interim
20 superintendent in April of 2020?

21 A. Uh-huh.

22 Q. And superintendent in July of
23 2020?

24 A. Yes.

25 Q. And you still hold that

CONFIDENTIAL

Page 21

1 position today?

2 A. Yes.

3 Q. Okay. Prior to working at
4 Irvington Public Schools, you taught
5 Japanese; is that correct?

6 A. Yes, uh-huh.

7 Q. And you taught Japanese in
8 Indianapolis, Indiana, from January of 1997
9 through June of 2002?

10 A. That is correct.

11 Q. And you went on to teach U.S.
12 history and world history in New Jersey,
13 but not at Irvington Public Schools, from
14 September of 2002 through June of 2004; is
15 that right?

16 A. Yes, uh-huh.

17 Q. Focusing for a minute on your
18 position as superintendent, is that a
19 position you were elected to?

20 MR. INNES: Objection. You
21 can answer.

22 THE WITNESS: Oh, okay. Okay.
23 When you say, "elected to," no, I'm
24 not an elected official, so.

25

CONFIDENTIAL

Page 22

1 BY MR. KARP:

2 Q. And to clarify, I was
3 wondering if there was an election in which
4 members of the community or maybe members
5 of the board would have voted to select or
6 not select you for the role of
7 superintendent?

8 MR. INNES: Objection to form.

9 THE WITNESS: So board members
10 are elected. I was voted, like,
11 there was a -- there was an agenda
12 item that was presented to the
13 board and then they voted on that,
14 but I'm not an elected official.

15 BY MR. KARP:

16 Q. I understand.

17 A. Okay.

18 Q. And thank you for clarifying.

19 A. Okay.

20 Q. I'm a little less familiar
21 with how all of that works, but I
22 appreciate the information.

23 A. Okay.

24 Q. You mentioned earlier that
25 you have never been deposed, correct?

CONFIDENTIAL

Page 23

1 A. Yes.

2 Q. Okay. Have you ever provided
3 live testimony at trial?

4 MR. INNES: Objection. You
5 can answer. So maybe, we might
6 have skipped over this, but,
7 Dr. Vauss, when Mr. Karp asks you
8 questions, I will interpose or
9 insert an objection. Unless I
10 instruct you not to answer or give
11 you some other kind of instruction,
12 you can just go ahead and answer.

13 THE WITNESS: Okay. Okay.
14 Got it. Can you repeat your
15 question, please?

16 BY MR. KARP:

17 Q. Of course. Have you ever
18 provided live testimony at trial?

19 MR. INNES: Objection to form.

20 THE WITNESS: Yes.

21 BY MR. KARP:

22 Q. How many times have you done
23 that?

24 A. Perhaps two, I want to say
25 two in my career.

CONFIDENTIAL

Page 24

1 Q. Can you tell me about the
2 first time that you provided testimony at
3 trial?

4 A. Yes. So I was a teacher in
5 Indianapolis public schools, a Japanese
6 teacher. I was walking the halls and a
7 student was not going to class. I told the
8 student to go to class and the student
9 actually hit me and so as a result of that,
10 the district pressed charges and I had to
11 testify against the young man.

12 Q. Okay. I'm sorry that you
13 were hit by the student. Do you recall how
14 that case resolved?

15 A. Well, the understanding was
16 that -- is it okay? Oh, it's okay.

17 MR. INNES: Uh-huh.

18 THE WITNESS: So the
19 understanding was that the young
20 man was going to plead guilty to
21 the charge, but he attempted not to
22 and they thought that I had left
23 the court and I was actually in the
24 gallery. And so when he didn't
25 accept the plea, they asked if I

CONFIDENTIAL

Page 25

1 was there and I had to get up on
2 the stand and testify and he got
3 found guilty and that was -- that
4 was it. You know, I think he got
5 probation maybe or something like
6 that.

7 BY MR. KARP:

8 Q. And that would have been
9 sometime between 1997 and 2002 --

10 A. Yes.

11 Q. -- when you were teaching in
12 Indianapolis?

13 A. Yes.

14 MR. INNES: Objection to form.

15 BY MR. KARP:

16 Q. Can you tell me about the
17 second time that you provided testimony at
18 trial?

19 A. That was more recent. I had
20 a teacher who was non-renewed and she tried
21 to have it overturned.

22 Q. Okay. So a teacher whose
23 contract was not renewed was challenging
24 the decision not to bring her back to the
25 school?

CONFIDENTIAL

Page 26

1 MR. INNES: Objection to form.

2 THE WITNESS: Yes.

3 BY MR. KARP:

4 Q. And roughly when did you
5 provide trial -- excuse me. Strike that.

6 Roughly when did you provide
7 that trial testimony?

8 A. I want to say December,
9 November, December.

10 Q. Of 2024?

11 A. Yeah, there was two, yes,
12 December.

13 Q. To your knowledge, did any of
14 the allegations or claims in that case
15 relate to adolescent mental health or
16 well-being?

17 MR. INNES: Objection to form.
18 Outside of the relevant time
19 period. To the extent you can
20 answer that question without
21 revealing conversations you had
22 with your attorneys or the
23 district's attorneys, you can do
24 so.

25 THE WITNESS: Okay. Can you

CONFIDENTIAL

Page 27

1 repeat your question and then I
2 can --

3 BY MR. KARP:

4 Q. Sure.

5 A. -- see if I can answer.

6 Q. To your knowledge, did any of
7 the allegations or claims in that case
8 relate to adolescent mental health or
9 well-being?

10 MR. INNES: Objection to form.
11 Same objections.

12 THE WITNESS: I would say no.
13 But I think it would be best not
14 to, you know, get into the
15 students -- or the case, it's still
16 pending.

17 BY MR. KARP:

18 Q. To your knowledge, did any of
19 the claims or allegations in the case
20 relate to social media?

21 MR. INNES: Objection to the
22 form. Dr. Vauss, to the extent
23 it's an ongoing litigation, I would
24 instruct you not to answer the
25 question unless you feel

CONFIDENTIAL

Page 28

1 comfortable.

2 THE WITNESS: I would say no,
3 I don't feel comfortable because it
4 is ongoing.

5 BY MR. KARP:

6 Q. Let me ask a slightly
7 different question. Did any of the
8 testimony that you provided relate to
9 social media?

10 MR. INNES: Objection to form.
11 Dr. Vauss, to the extent you are
12 able to disclose that testimony,
13 you can do so. And, Andrew, it
14 might be a good idea just to take a
15 break. I don't know the
16 particulars of that litigation or
17 protective orders that may be in
18 place or not. Do you want to take
19 a break and I can investigate that?

20 MR. KARP: Sure. I have no
21 problem with that if you want to
22 take a minute.

23 THE VIDEOGRAPHER: The time
24 right now is 9:58 p.m. We are off
25 the video record.

CONFIDENTIAL

Page 29

1 - - - - -

2 (A recess was taken at this time.)

3 - - - - -

4 THE VIDEOGRAPHER: The time
5 right now is 10:07 a.m. We're back
6 on the record.

7 BY MR. KARP:

8 Q. Welcome back, Dr. Vauss.

9 A. Thank you.

10 Q. Just before the break, we
11 were talking about some -- let's try that
12 again.

13 Welcome back. Just before
14 the break, we were discussing some live
15 testimony that you provided at a trial. Do
16 you recall?

17 A. Yes.

18 Q. And the question I had asked
19 was did any of the testimony you provided
20 relate to social media. And we took a
21 break so that you could confer with your
22 counsel on confidentiality. Are you able
23 to answer the question?

24 MR. INNES: Yes.

25 THE WITNESS: Okay. I was

CONFIDENTIAL

Page 30

1 waiting. Not -- not my testimony,
2 it didn't have anything to do with
3 social media.

4 BY MR. KARP:

5 Q. Okay. Did your testimony in
6 that case at that trial have anything to do
7 with adolescent mental health or
8 well-being?

9 MR. INNES: Objection to form.

10 THE WITNESS: No.

11 BY MR. KARP:

12 Q. Okay. Dr. Vauss, what did
13 you do to prepare for today's deposition?

14 MR. INNES: Objection to form.

15 Dr. Vauss, you can answer that
16 question to the extent it
17 doesn't -- you don't reveal
18 communications, direct
19 communications that you and I had
20 or you had with members of our
21 team.

22 THE WITNESS: Uh-huh. You
23 know, I had conversations, you
24 know, perhaps with my staff and
25 just recounted the many experiences

CONFIDENTIAL

Page 31

1 that I've had as an administrator
2 in Irvington Public School
3 District.

4 BY MR. KARP:

5 Q. Do you recall approximately
6 how many of those conversations you had?

7 MR. INNES: Objection to form,
8 but you can answer the question so
9 as long as it doesn't reveal
10 communications you've had with
11 counsel.

12 THE WITNESS: I've had so many
13 conversations over the years, so I
14 couldn't even begin to tell you how
15 many conversations --

16 BY MR. KARP:

17 Q. Sure.

18 A. -- because --

19 Q. I didn't mean to interrupt
20 you.

21 A. Because it is such a big part
22 of everything that happens on a daily
23 basis. So, in a day, I could be speaking
24 to my administrator several times about
25 something that has happened as it relates

CONFIDENTIAL

Page 32

1 to social media. So I really couldn't give
2 you an accurate number.

3 Q. I understand. And just to
4 clarify, my question is specifically about
5 today's deposition and I'm wondering what,
6 if anything, you did to prepare to testify
7 today at this deposition.

8 MR. INNES: Objection to form.
9 Same instruction. To the extent
10 you can answer that without
11 revealing conversations you may
12 have had or not had with counsel,
13 you may do so.

14 THE WITNESS: I would just say
15 I had several conversations with
16 administrators to see, you know, to
17 get some real anecdotal on, you
18 know, mental anecdotal about how
19 much this impacts their daily
20 performance.

21 BY MR. KARP:

22 Q. When did you first learn that
23 you would be sitting for a deposition in
24 this case?

25 MR. INNES: Objection to form.

CONFIDENTIAL

Page 33

1 THE WITNESS: I think this has
2 been going on for a couple of
3 years, so, eventually, I guess I
4 would think that this might -- may
5 happen, but the actual dates,
6 probably in the last month or so.

7 BY MR. KARP:

8 Q. So if I'm hearing you
9 correctly, you expected that this day could
10 come --

11 A. Yes.

12 Q. -- that you could be asked to
13 testify, but it wasn't until roughly a
14 month ago that you were told that your
15 deposition was going to happen on a
16 specific date; is that fair?

17 A. I think at some --

18 MR. INNES: Objection to form.

19 THE WITNESS: Somewhat,
20 because we were trying to, I guess,
21 match dates with you-all and our
22 people, so somewhere around that
23 time.

24 BY MR. KARP:

25 Q. Since you learned that you

CONFIDENTIAL

Page 34

1 would be giving this deposition today, have
2 you had any meetings with counsel?

3 MR. INNES: Objection to form.

4 Doctor, you can answer that
5 question, but I would caution you
6 not to give particulars about any
7 conversations we may have had.

8 THE WITNESS: Yes.

9 BY MR. KARP:

10 Q. Approximately how many times
11 have you met with counsel to prepare for
12 today's deposition?

13 A. A handful maybe. I don't
14 know. I couldn't give an accurate amount.

15 Q. It's okay to estimate. Is a
16 handful three to five, is that what you're
17 thinking?

18 A. I don't want to lock in, but
19 that sounds right. Maybe more.

20 Q. Do you recall when that first
21 meeting would have taken place?

22 MR. INNES: Objection to form.

23 THE WITNESS: I have no idea
24 what the first date that we've ever
25 met to prepare for deposition or

CONFIDENTIAL

Page 35

1 ever, like what do you --

2 BY MR. KARP:

3 Q. I can clarify. Sure. Do you
4 recall approximately when you first met
5 with counsel to prepare for today's
6 deposition?

7 MR. INNES: Objection to form.

8 THE WITNESS: Maybe sometime
9 in April, but I'm not really sure.

10 BY MR. KARP:

11 Q. Do you recall who was at that
12 first meeting with counsel?

13 MR. INNES: Objection to form.
14 Doctor, you can give the names of
15 counsel.

16 THE WITNESS: Okay. So
17 Mr. Innes, David Gilfillan, Zach.
18 I don't know Zach's last name.

19 MR. INNES: I can represent,
20 Zach Bower, B-O-W-E-R.

21 THE WITNESS: I think that was
22 it. I think that was it, yes.

23 BY MR. KARP:

24 Q. Okay. Was anyone else
25 present at this meeting?

CONFIDENTIAL

Page 36

1 A. Not that I recall. I mean,
2 myself and my lawyers.

3 Q. Do you recall approximately
4 how long this meeting lasted?

5 A. No idea.

6 Q. Could you estimate an hour or
7 four hours --

8 MR. INNES: Objection to form.
9 Calls for speculation. Compound.
10 You can answer.

11 THE WITNESS: Okay. Two hours
12 maybe, two or three hours. You're
13 referring to the preparation time
14 meeting?

15 BY MR. KARP:

16 Q. At that first meeting.

17 A. Okay. So maybe about two
18 hours. I'm estimating on the higher end.

19 Q. You said that you met with
20 counsel a handful of times --

21 A. Uh-huh.

22 Q. -- in preparation for today's
23 deposition?

24 A. That sounds about right, yes.

25 Q. Did your other -- I'm sorry.

CONFIDENTIAL

Page 37

1 Did your other meetings with counsel last
2 approximately the same amount of time?

3 MR. INNES: Objection to form.

4 THE WITNESS: Roughly maybe,
5 yes. I wasn't timing them.

6 BY MR. KARP:

7 Q. Other than the three lawyers
8 you've already identified, did anyone else
9 attend or participate in those other
10 meetings you had to prepare for today's
11 deposition?

12 MR. INNES: Objection to form.

13 THE WITNESS: Yes, there were
14 other participants at different
15 times.

16 BY MR. KARP:

17 Q. Okay.

18 A. Uh-huh.

19 Q. Do you recall the names of
20 those individuals?

21 MR. INNES: You can provide
22 the names.

23 THE WITNESS: Principal
24 Bussacco, Michael Bussacco, was at
25 a meeting before. Principal

CONFIDENTIAL

Page 38

1 Mangan, Dr. Zaire, John Amberg,
2 Shelley Pettiford. I'm trying to
3 think. Betty Johnson, Marcia Dove,
4 Dr. Adegboyega. That's it.

5 MR. INNES: Andrew, if I could
6 take a quick break, we don't have
7 to leave the room, but if we could
8 just go off the record for one
9 second.

10 MR. KARP: Sure. We can go
11 off the video record.

12 THE VIDEOGRAPHER: The time
13 right now is 10:15 a.m. We are off
14 the record.

15 - - - - -

16 (A recess was taken at this time.)

17 - - - - -

18 THE VIDEOGRAPHER: The time
19 right now is 10:19 a.m. We're back
20 on the record.

21 BY MR. KARP:

22 Q. Dr. Vauss, you understand
23 that the deposition we are conducting today
24 is about what you know in your personal and
25 individual capacity?

CONFIDENTIAL

Page 39

1 A. Yes, yes.

2 Q. And just to revisit some of
3 the questions I asked before the break, can
4 you tell me approximately -- well, let me
5 kind of start over then.

6 In preparation for today's
7 deposition where you're testifying as an
8 individual, did you meet with counsel to
9 prepare?

10 A. I did. I did.

11 Q. Okay. And do you recall
12 approximately how many -- how many meetings
13 you had with counsel to prepare for this
14 deposition?

15 A. I would say two to three to
16 prepare for today.

17 Q. And when was the first of
18 those meetings to occur?

19 A. It was sometime in April.

20 Q. Who attended those
21 meetings -- or excuse me, strike that.

22 Who attended that first
23 meeting?

24 A. Mr. Innes, Mr. Gilfillan, and
25 Zach Bower.

CONFIDENTIAL

Page 40

1 Q. Did anyone else attend that
2 meeting?

3 A. No.

4 Q. Do you recall approximately
5 how long that meeting lasted?

6 A. Maybe around two hours.

7 Q. How about the second meeting
8 you had with counsel?

9 A. Roughly around the same time.

10 Q. And was it the same group as
11 the first meeting?

12 A. Yes, uh-huh.

13 Q. No one else was in
14 attendance?

15 A. No.

16 Q. And did a third meeting take
17 place?

18 A. I don't think so, but maybe,
19 you know, maybe, like, by Zoom or phone, I
20 can't recall.

21 Q. All of these meetings, to
22 your recollection, occurred within the past
23 month?

24 A. Roughly, around, yeah, maybe
25 a month, three weeks.

CONFIDENTIAL

Page 41

1 Q. Other than meeting with
2 counsel, did you discuss your deposition
3 with your colleagues at Irvington Public
4 Schools?

5 A. No.

6 Q. Did you review any documents
7 to prepare for today's deposition?

8 MR. INNES: Objection to form.

9 THE WITNESS: I would say no.
10 What I -- how I prepared for today
11 was just recounting my own
12 experiences and the experiences
13 that have been shared with me
14 probably in the last, you know,
15 experiences, my own experiences,
16 and the conversations maybe for the
17 last 13, 13 years or so.

18 BY MR. KARP:

19 Q. But to make sure I'm
20 understanding, you did not look at any
21 specific documents or review any specific
22 materials to prepare for today's
23 deposition?

24 A. Documents, papers, I mean, I
25 looked at the trial information. I looked

CONFIDENTIAL

Page 42

1 at, you know, the filings. I looked up
2 probably old things that I've had,
3 documents that I've had. I mean, things
4 that I see in a regular -- in my capacity
5 on a regular basis. But if -- I guess I
6 should ask you to clarify, did I go out and
7 do some research for this or something, no,
8 no.

9 Q. You said that you reviewed
10 trial information, did I hear you
11 correctly?

12 A. The document that -- of the
13 case, the filing.

14 Q. Are you referring to the
15 legal Complaint that was filed in this
16 case?

17 A. Yes, the Complaint. Yes, the
18 Complaint.

19 Q. I believe you said that you
20 looked at documents that you would
21 ordinarily look at in your job as
22 superintendent; is that correct?

23 A. Yes.

24 Q. Do you recall specifically
25 which documents you looked at to prepare

CONFIDENTIAL

Page 43

1 for today's deposition?

2 MR. INNES: Objection.

3 Misstates prior testimony. You can
4 answer.

5 THE WITNESS: Okay. So, for
6 example, principals reports, those
7 are things that are submitted to me
8 every month, so maybe I looked at
9 those. I looked at, like, ASPs,
10 annual school performance
11 preparation. Those are things that
12 I look at in my capacity and I have
13 to, you know, see what the goals
14 are for schools.

15 BY MR. KARP:

16 Q. And did you look at these
17 principals reports and ASPs to refresh your
18 memory of certain information for today's
19 deposition?

20 A. No. Actually, no. No. I'm
21 intimately familiar with a lot of these
22 documents, so.

23 Q. Why did you look at these
24 materials?

25 MR. INNES: Objection to form.

CONFIDENTIAL

Page 44

1 THE WITNESS: To see just to
2 refresh what has been going over --
3 going on for, you know, over a
4 course of a period of time.

5 BY MR. KARP:

6 Q. Is it fair to say you wanted
7 to refresh your recollection of certain
8 facts that were contained in these
9 documents?

10 MR. INNES: Objection to form.
11 Misstates the prior testimony. It
12 doesn't provide a time period.

13 THE WITNESS: I would say not
14 so much that, but just to compare
15 maybe school to school and what
16 they look at. But just to be fair,
17 I also look at when people submit
18 things to compare how quickly they
19 turn things in versus another
20 school so that I can say whether or
21 not I need to adjust dates, due
22 dates, for example, and to see, you
23 know, the quality of one report
24 versus another to present exemplars
25 to certain administrators, things

CONFIDENTIAL

Page 45

1 like that.

2 BY MR. KARP:

3 Q. What did you learn from
4 reviewing these materials in preparation
5 for today's deposition?

6 A. What did I learn? I wouldn't
7 say that I learned anything.

8 Q. Okay. This was knowledge you
9 already had that you wanted to refresh; is
10 that fair?

11 MR. INNES: Objection to form.

12 THE WITNESS: I would say
13 that's -- yes, I would say that's
14 fair.

15 BY MR. KARP:

16 Q. Other than looking at some
17 materials and meeting with counsel, did you
18 do anything to -- anything else to prepare
19 for today's deposition?

20 MR. INNES: Objection to the
21 form. Asked and answered. You can
22 answer.

23 THE WITNESS: I would say no.

24 BY MR. KARP:

25 Q. During your employment with

CONFIDENTIAL

Page 46

1 Irvington Public Schools, have you ever
2 received a performance review?

3 A. An evaluation?

4 Q. Yes.

5 A. Yes, I have, yes.

6 Q. Can you approximate for me
7 the number of evaluations you have received
8 while working for Irvington Public Schools?

9 MR. INNES: Objection. Calls
10 for speculation. You can answer.

11 THE WITNESS: There's a lot.
12 So 20 years, 21 years in the
13 district, maybe 48, 50, I don't
14 know, a lot, maybe a lot.

15 BY MR. KARP:

16 Q. Would you have received
17 between two and three evaluations each year
18 for your tenure here at Irvington Public
19 Schools?

20 A. For most, yes, most,
21 especially as a teacher.

22 Q. As part of receiving those
23 evaluations, did you have to complete a
24 self-evaluation of your own performance?

25 A. I would say there isn't a

CONFIDENTIAL

Page 47

1 space for a narrative of your performance,
2 but there is a space for you to demonstrate
3 the things that you've done within the
4 classroom if it's a teacher evaluation or
5 within your school if you're a principal.

6 Q. To make sure I'm
7 understanding, so in connection with these
8 evaluations you would have received, you
9 would have made some form of a submission?

10 A. Yes.

11 Q. Okay. Do you recall if any
12 of the evaluations you've received during
13 your time at Irvington Public Schools
14 related to adolescent mental health or
15 well-being?

16 A. Well --

17 MR. INNES: Objection to form.

18 THE WITNESS: I'm sorry. So
19 can I --

20 MR. INNES: Yes.

21 THE WITNESS: Okay. Sorry.

22 MR. INNES: Yes, unless I tell
23 you not to answer, go ahead and
24 answer, yeah.

25 THE WITNESS: Okay. So I

CONFIDENTIAL

Page 48

1 would ask the question so when you
2 say adolescent well-being, the
3 well-being of children, is that
4 what you're asking?

5 BY MR. KARP:

6 Q. Yes, that would be included.

7 A. So depending on the capacity,
8 making sure that students are in a safe
9 productive learning environment, yes, that
10 is our responsibility. Making sure that
11 the pedagogy can be executed with fidelity,
12 that's a part of it. Making sure that
13 there's an environment for quality
14 instruction, yes, that's a part of it. So,
15 yes, every level of education, the
16 students' well-being is a part of it.

17 Q. And you would have been
18 evaluated as to how successful you were in
19 meeting the wellness needs of your
20 students; is that fair?

21 MR. INNES: Objection to form.

22 THE WITNESS: I would say,
23 depending on what category you
24 place that in, then yes. The
25 overall well-being, it's a

CONFIDENTIAL

Page 49

1 community effort. It is a, you
2 know, school community. It is all
3 of -- we all have a role, whether
4 it's the classroom teacher, the
5 lunch aide, security, principal,
6 AP, so to that degree, yes.

7 BY MR. KARP:

8 Q. Do you recall if any of your
9 evaluations or any of the submissions that
10 you made in connection with those
11 evaluations would have referred to social
12 media?

13 MR. INNES: Objection to form.

14 THE WITNESS: There would
15 probably be a time period where
16 social media was becoming such an
17 encroachment upon the lives of
18 teachers, on the lives of
19 administration, and I would say
20 there is also the scholars within
21 the classroom and so mindfulness to
22 that would be probably something
23 that could have been mentioned.

24 BY MR. KARP:

25 Q. You said that there probably

CONFIDENTIAL

Page 50

1 would have been a time period when that was
2 true?

3 A. Uh-huh. Uh-huh.

4 Q. Can you approximate for me
5 when that time period would be?

6 A. I recall social media really
7 taking off around 2013, 2014. In 2013, I
8 was an assistant principal and if you, you
9 know, assistant principal is -- a lot of
10 what assistant principals have to deal with
11 is discipline. And I can recall around
12 that time that social media was a big part
13 of school as opposed to outside of school.
14 Where, you know, perhaps before, it was
15 something outside of school and not
16 something we would see encroaching upon our
17 lives in the school.

18 Q. To make sure we're on the
19 same page, is it your belief that around
20 2013 or 2014, your evaluations and any
21 submissions you made in connection with
22 those evaluations would have related in
23 some way to social media?

24 A. I wouldn't say it the way --
25 I thought you asked --

CONFIDENTIAL

Page 51

1 Q. How would you say it?

2 A. Okay. So you said the
3 well-being of students, that would be a
4 part of evaluations forever.

5 Q. Sure.

6 A. Social media being mentioned,
7 social media or, you know, students being
8 on, let's say, sites or things that they
9 shouldn't have been, I wouldn't say that
10 that was in my evaluation, but you would
11 see that that would be a concern that maybe
12 teachers might bring up when they're being
13 evaluated and maybe, you know, they make
14 note of this is a part of what is
15 encroaching on their ability to teach. It
16 may be something that you might see a
17 principal or an AP mention.

18 In 2014, I was a principal
19 of an elementary school here in Irvington,
20 but elementary, and that wouldn't have been
21 an issue at the elementary school that I
22 was at. So it would be far-fetched to see
23 something like that mentioned in my
24 evaluation.

25 Q. I understand. And thank you

CONFIDENTIAL

Page 52

1 for clarifying.

2 Shifting gears a bit,
3 Dr. Vauss, have you ever been charged with
4 a crime?

5 A. No.

6 MR. INNES: Objection to form.

7 THE WITNESS: Sorry. No, no,
8 I have not.

9 BY MR. KARP:

10 Q. At Irvington Public Schools
11 or elsewhere, have you ever been the
12 subject of disciplinary action in your
13 professional capacity?

14 MR. INNES: Objection to form.

15 THE WITNESS: No.

16 BY MR. KARP:

17 Q. At Irvington Public Schools
18 or elsewhere, have you ever been
19 investigated for any alleged misconduct in
20 your professional capacity?

21 MR. INNES: Objection to form.

22 THE WITNESS: No.

23 BY MR. KARP:

24 Q. Dr. Vauss, what is your
25 understanding of the allegations that have

CONFIDENTIAL

Page 53

1 been made in this lawsuit?

2 MR. INNES: Objection to form.

3 THE WITNESS: Can you -- can
4 you rephrase the question?

5 BY MR. KARP:

6 Q. Sure. You're aware that
7 Irvington Public Schools has filed a
8 lawsuit against various social media
9 companies, correct?

10 A. Yes.

11 Q. And that is one of the
12 reasons we're here for this deposition,
13 right?

14 A. Yes, absolutely.

15 Q. My question to you is what is
16 your understanding of the claims that
17 Irvington Public Schools is making against
18 social media companies?

19 A. My understanding is, is that
20 social media has -- has a medium that is
21 encroaching upon our ability through its
22 addictive nature to educate our scholars
23 and to provide them an arena that is free
24 of distractions, continuous, unfettered,
25 unmonitored distractions from a quality

CONFIDENTIAL

Page 54

1 education that they so desperately need.

2 Q. And where did you get that
3 understanding of the claims that have been
4 made in this case?

5 MR. INNES: Objection to form.
6 Doctor, you can -- you should
7 answer that question, but I caution
8 you not to reveal conversations
9 you've had with counsel.

10 THE WITNESS: Okay. So I kind
11 of come to those conclusions myself
12 that that's what social media does.
13 Were there conversations, you know,
14 with counsel, perhaps, but that
15 conclusion I came to myself.

16 BY MR. KARP:

17 Q. And my question was simply
18 how you learned about what specific claims
19 were included in the lawsuit?

20 A. Oh.

21 Q. And I was, so just with that
22 in mind, where did you get that
23 understanding of what claims had been made
24 in the lawsuit?

25 A. My counsel.

CONFIDENTIAL

Page 55

1 Q. When did you first become
2 aware of this lawsuit?

3 MR. INNES: Objection to form.

4 THE WITNESS: It was in maybe
5 a couple of years ago, maybe less.

6 BY MR. KARP:

7 Q. So it is presently May of
8 2025.

9 A. Uh-huh.

10 Q. You're thinking it could have
11 been the spring of 2023?

12 MR. INNES: Objection to form.

13 THE WITNESS: I think maybe
14 later.

15 BY MR. KARP:

16 Q. Later?

17 A. Yeah. I think.

18 Q. When you first became aware
19 of this lawsuit, do you know whether the
20 lawsuit had already been filed?

21 MR. INNES: Objection to form.

22 THE WITNESS: I'm not sure.

23 BY MR. KARP:

24 Q. Okay. Were you involved in
25 the decision to file this lawsuit?

CONFIDENTIAL

Page 56

1 MR. INNES: Objection to form.

2 THE WITNESS: Yes.

3 BY MR. KARP:

4 Q. Is it fair to say then that
5 you became aware of this lawsuit before it
6 had been filed?

7 MR. INNES: Objection to form.

8 THE WITNESS: I don't know if
9 that would be fair, because I don't
10 know if it was filed before or what
11 time period it was filed
12 originally.

13 BY MR. KARP:

14 Q. I understand. You just
15 testified though that you were involved in
16 the decision to file it?

17 A. For --

18 MR. INNES: Wait one second.

19 THE WITNESS: Okay.

20 MR. INNES: So you're talking
21 about the lawsuit, the MDL, or are
22 you talking about the Complaint
23 that was filed by Irvington,
24 there's --

25 MR. KARP: I can clarify,

CONFIDENTIAL

Page 57

1 sure.

2 THE WITNESS: Oh.

3 BY MR. KARP:

4 Q. When did you first become
5 aware of the lawsuit that Irvington Public
6 Schools has filed against social media
7 companies?

8 A. The same time period that I
9 was just saying, I guess a little less than
10 two years or maybe a year and a half or
11 somewhere.

12 Q. And at that time, did you
13 understand one way or another whether other
14 school districts had filed similar
15 lawsuits?

16 MR. INNES: Objection to form.
17 To the extent you can answer that
18 without guessing and without
19 revealing conversations you've had
20 with counsel, you can do so.

21 THE WITNESS: So I don't want
22 to guess. I just know that, you
23 know, we joined a lawsuit.

24 BY MR. KARP:

25 Q. So a litigation was ongoing

CONFIDENTIAL

Page 58

1 and Irvington Public Schools joined that
2 litigation; is that fair?

3 MR. INNES: Objection to form.

4 THE WITNESS: I think
5 that's -- yes, uh-huh.

6 BY MR. KARP:

7 Q. And you testified that you
8 were involved in the decision for Irvington
9 Public Schools specifically to file this
10 lawsuit against social media companies?

11 MR. INNES: Objection. Asked
12 and answered for the third time.

13 MR. KARP: You can answer.

14 THE WITNESS: I would say yes,
15 yes.

16 BY MR. KARP:

17 Q. Do you recall who else was
18 involved in the decision to file the
19 lawsuit?

20 MR. INNES: Objection to form.
21 Doctor, you can answer that
22 question so long as you have
23 knowledge of that and so long as
24 you don't reveal conversations
25 you've had with counsel.

CONFIDENTIAL

Page 59

1 THE WITNESS: Okay. So I'm
2 the chief school administrator, so
3 I can, you know, bring suggestions,
4 bring things to my board and they
5 agree or disagree, but it's not a
6 vote, so to speak. It's just as
7 the superintendent as, you know,
8 here, you know, the merits and see
9 if it resonates with our experience
10 here in Irvington and that's how
11 the decision was made.

12 BY MR. KARP:

13 Q. When you say that you brought
14 this issue or this matter to the board,
15 would that have been an agenda item for a
16 board meeting?

17 A. No.

18 Q. Okay. What form would that
19 have taken?

20 A. So we have closed sessions.
21 I don't know that those matters can be
22 really discussed too deeply, but it's not a
23 matter that has to be voted on. It's just
24 information that we share to let the board
25 know what's going on in the district, so.

CONFIDENTIAL

Page 60

1 Q. Closed sessions means that
2 the meetings are not open to the public?

3 A. Yeah, and matters until such
4 time as attorney-client privilege is no
5 longer necessary, those things stay
6 confidential.

7 Q. I see. I believe you said
8 that the board did not vote on whether to
9 file this litigation?

10 A. Yeah, it's not a thing that
11 they vote on.

12 Q. Okay. Did the board need to
13 approve the decision to file this lawsuit?

14 MR. INNES: Objection to form.

15 THE WITNESS: No.

16 BY MR. KARP:

17 Q. Why did you bring it -- why
18 did you bring this lawsuit to the board's
19 attention?

20 MR. INNES: Objection to form.

21 To the extent that that reveals
22 attorney-client privilege, you
23 don't need to disclose anything
24 about that.

25 THE WITNESS: Okay.

CONFIDENTIAL

Page 61

1 BY MR. KARP:

2 Q. Are you able to answer the
3 question or --

4 A. I think not.

5 Q. Okay. Did you share the
6 decision -- well, strike that.

7 When you brought the idea of
8 filing this lawsuit to the board's
9 attention, was it still an open question of
10 whether to file the lawsuit?

11 MR. INNES: Objection to form.
12 Doctor, to the extent that that
13 would require you to reveal
14 conversations with counsel or from
15 closed session that was subject to
16 attorney-client privilege, you do
17 not need to answer that question.

18 THE WITNESS: I should not
19 answer that question.

20 BY MR. KARP:

21 Q. Okay. And I'm not asking for
22 any specific details here, I'm just going
23 to keep this at a high level. In
24 connection with making the decision for
25 Irvington Public Schools to file this

CONFIDENTIAL

Page 62

1 lawsuit, did you receive any documents or
2 materials from counsel?

3 MR. INNES: Objection to form.
4 Andrew, that's a really crafty way,
5 because it's getting way too close
6 to the line of attorney-client
7 privilege, so I'll instruct the
8 witness not to answer that
9 question.

10 THE WITNESS: I can't answer
11 that question.

12 BY MR. KARP:

13 Q. I can -- I'm going to ask it
14 in a slightly different way. In connection
15 with making the decision to file -- or
16 strike that.

17 In connection with Irvington
18 Public Schools' decision to file this
19 lawsuit, did you consider any documents or
20 materials?

21 MR. INNES: Objection. Same
22 instruction.

23 BY MR. KARP:

24 Q. Are you going to --

25 A. I can't answer that.

CONFIDENTIAL

Page 63

1 Q. Okay. We have been going
2 about on hour and I'm probably going to
3 change subjects now, do you want to take a
4 quick break?

5 MR. INNES: Are you good?

6 THE WITNESS: I'm good. I'm
7 good.

8 BY MR. KARP:

9 Q. Keep going, okay. Let's go
10 for a little bit longer.

11 I'm handing you tab four,
12 which we will mark as Exhibit 2.

13 - - - - -

14 (Article entitled "How to
15 Direct a Districtwide Tech
16 Transformation on a Budget" Bates
17 BW__Irvington00182944 to 00182946
18 marked Vauss Exhibit 2 for
19 identification.)

20 - - - - -

21 MR. INNES: Take your time and
22 review the document.

23 BY MR. KARP:

24 Q. If at any time you need --
25 excuse me, if at any point you need an

CONFIDENTIAL

Page 64

1 opportunity to review documents, please let
2 me know, Dr. Vauss.

3 For the record, this is
4 Bates starting with BW__Irvington00182944.
5 Take your time, but let me know when you're
6 ready.

7 A. I am ready.

8 Q. Dr. Vauss, have you seen this
9 document before?

10 A. Yes.

11 Q. What is this document?

12 A. It is a technology document I
13 wrote for a periodical.

14 Q. Okay. And when you say a
15 periodical, can you be more specific?

16 A. I forget the name of the
17 magazine, but it was in connection with
18 Bluum, B-L-U-U-M, Technology.

19 Q. Okay. And this article is
20 titled, "How to Direct a Districtwide Tech
21 Transformation on a Budget"?

22 A. Uh-huh.

23 Q. Let's look at the section
24 called, "Beginning a Technological
25 Evolution."

CONFIDENTIAL

Page 65

1 A. Uh-huh.

2 Q. The article states you began
3 a technological evolution at Irvington
4 Public Schools.

5 What did you mean by that?

6 A. At that time -- it's okay?

7 MR. INNES: Yeah.

8 THE WITNESS: Okay. So at
9 that time, I was, it says
10 2013-2014, so that was the school
11 year, but I started in January of
12 2014 as an administrator at
13 Florence. We started a coding
14 initiative. I remember that was --
15 the student that I referenced was a
16 second grade student who was
17 interested in technology and coding
18 specifically. And we started a
19 coding club.

20 BY MR. KARP:

21 Q. The article states, "I
22 believed technology would be powerful for
23 our scholars and I wanted everyone to have
24 access to it." Do you see that? Those are
25 your words?

CONFIDENTIAL

Page 66

1 A. Uh-huh.

2 Q. What did you mean by that?

3 A. Meaning that technology was,
4 is a big part of learning of our society
5 and I wanted all of our students to have
6 access in a very responsible way.

7 Q. And -- excuse me -- do you
8 still feel that way today?

9 A. Yes, uh-huh.

10 Q. Toward the bottom of the
11 first page, you wrote, "We also have
12 Chromebooks for every student and 3D
13 printers and interactive whiteboards in our
14 classrooms. We even bought virtual reality
15 headsets."

16 Do you see that?

17 A. Yes, uh-huh.

18 Q. Is that all of that true?

19 A. That is true.

20 Q. And then at the very --
21 excuse me -- at the very bottom of the
22 page, the article refers to the district's
23 AI community summit and AI academy. Do you
24 see that?

25 A. Yes, uh-huh.

CONFIDENTIAL

Page 67

1 Q. What was the AI community
2 summit?

3 A. It was an initiative we had
4 community members, whether they were people
5 who actually lived in Irvington several
6 years ago or lived in neighboring
7 communities who have careers in technology
8 and they wanted to bring it to Irvington
9 Public Schools, but I believe that -- I
10 believed -- I believed and I believe that
11 our community has to come along for this
12 technology revolution, if you want to call
13 it, and so we had a forum for our whole
14 entire community to come and learn about
15 AI.

16 Q. Okay. Fair to say that
17 Irvington Public Schools wants to keep the
18 community up to date and up to speed on the
19 newest developments in technology; is that
20 fair?

21 MR. INNES: Objection to form.

22 THE WITNESS: Yes.

23 BY MR. KARP:

24 Q. The next page of this article
25 includes a section called, "Finding the

CONFIDENTIAL

Page 68

1 Funding (and Partners) for a Tech
2 Makeover."

3 Do you see that?

4 A. Yes, uh-huh.

5 Q. You wrote that Irvington
6 Public Schools has been able to fund these
7 initiatives by leveraging state and federal
8 funds, specifically, ESSER funds and have
9 secured various grants?

10 A. Uh-huh.

11 Q. Is that true?

12 A. That is true. That's what I
13 wrote, uh-huh.

14 Q. And ESSER stands for
15 Elementary and Secondary School Emergency
16 Relief?

17 A. Yes, uh-huh.

18 Q. A lot of acronyms today.

19 A. Uh-huh.

20 Q. And ESSER funds have been
21 provided to Irvington Public Schools to
22 help the district address the impact of
23 COVID-19 specifically, correct?

24 A. Yes, uh-huh.

25 Q. Do you know how much ESSER

CONFIDENTIAL

Page 69

1 funding has been put toward the initiatives
2 that you describe in this article?

3 MR. INNES: Objection to form.

4 THE WITNESS: I couldn't give
5 you a number.

6 BY MR. KARP:

7 Q. Okay.

8 A. No, I couldn't give you a
9 number.

10 Q. I don't want you to
11 speculate, but are you able to approximate?

12 MR. INNES: Objection to form.

13 THE WITNESS: I would, I mean,
14 it would -- it would be me
15 guessing, but if I were to
16 specifically talk about ESSER
17 funds, I would say maybe around a
18 million.

19 BY MR. KARP:

20 Q. You also refer to securing
21 various grants --

22 A. Uh-huh.

23 Q. -- to help fund these
24 initiatives. Do you know which grants
25 would have been used to pay for these

CONFIDENTIAL

Page 70

1 initiatives?

2 A. I couldn't speak to that.
3 That would be government programs or our
4 business administrator.

5 Q. Who within the government
6 programs' office would have that
7 information?

8 A. That would probably be
9 Mr. Lamprey. He would definitely have that
10 information.

11 Q. You also wrote, "We can and
12 will always hope for more funding."

13 Do you see that?

14 A. Yes, uh-huh.

15 Q. Is that still a true
16 statement?

17 A. That is, and I have to make
18 note that even this past year, we received
19 full funding from our state with our local
20 contributions and we are continuing to move
21 forward with, you know, making sure that we
22 provide a quality education for our
23 scholars.

24 Q. Thank you. You could put
25 this to the side for now.

CONFIDENTIAL

Page 71

1 A. Okay.

2 Q. I don't think you'll need
3 much time to read this. I'm handing you
4 tab five, which we will mark as Exhibit 3.
5 For the record, this BW__Irvington00005125.

6 A. Uh-huh.

7 - - - - -

8 (Email dated 3/5/20 Bates
9 BW__Irvington 00005125 marked
10 Vauss Exhibit 3 for
11 identification.)

12 - - - - -

13 MR. INNES: Andrew, is there
14 an attachment to this? I see one
15 referenced.

16 BY MR. KARP:

17 Q. I am getting there.
18 Dr. Vauss, this is an email dated March 5,
19 2020.

20 Do you see that?

21 A. Uh-huh.

22 Q. You are the sender of this
23 email. Do you see your name in the "to"
24 line?

25 A. No, I see from, from Cynthia

CONFIDENTIAL

Page 72

1 Littlejohn to me. I'm the recipient.

2 Q. I apologize, I reversed it.

3 A. Okay.

4 Q. I need a little bit more
5 coffee this morning.

6 You are the recipient of
7 this email, correct?

8 A. Yes.

9 Q. Okay. And it came from
10 Cynthia Littlejohn, as you just said?

11 A. Uh-huh.

12 Q. Okay. The email says, "Dear
13 Dr. Vauss, please see attached. Thanks,
14 Cynthia," correct?

15 A. Uh-huh.

16 Q. I'm going to hand you tab 5A,
17 which is the attachment to this email.
18 We'll mark this as Exhibit 4. For the
19 record, this is Bates starting
20 BW__Irvington00005126.

21 Dr. Vauss, I will not ask
22 you about every single page of this
23 document, but if at any point you need some
24 time to review, let me know.

25 MR. INNES: Doctor, take the

CONFIDENTIAL

Page 73

1 time to review the plan and just
2 let us know when you're ready.

3 - - - - -

4 (Technology Plan 2013 to
5 2016 Bates BW__Irvington00005126
6 to 00005146 marked Vauss Exhibit
7 4 for identification.)

8 - - - - -

9 BY MR. KARP:

10 Q. Dr. Vauss, are you ready to
11 proceed?

12 A. Yes.

13 Q. This is the technology plan
14 for Irvington Public Schools for 2013
15 through 2016, correct?

16 A. Yes.

17 Q. And this plan that we're
18 looking at was approved by the Irvington
19 Board of Education on March 20, 2013?

20 MR. INNES: Objection to form.

21 THE WITNESS: Yes, it looks
22 like it, that's correct.

23 BY MR. KARP:

24 Q. Okay. Let's take a look at
25 page 5. At the very top of this page,

CONFIDENTIAL

Page 74

1 you'll see a section called, "Technology
2 Mission Statement."

3 Do you see that?

4 A. Uh-huh. Yes, I'm sorry, yes.

5 Q. According to this technology
6 plan, "The Irvington Public School District
7 remains committed to implementing
8 technology as an integrated tool to provide
9 students with exceptional learning
10 experiences that prepare them for life and
11 careers in a world of exponential change
12 and instill the desire for lifelong
13 learning. The commitment is based on the
14 philosophy that technology literacy is an
15 integral component of a balanced
16 educational experience."

17 Did I read that correctly?

18 A. Yes, you read it correctly,
19 yes.

20 Q. And do you agree with that
21 statement?

22 A. Yes, uh-huh.

23 Q. Last sentence of this
24 paragraph -- was that the iPad?

25 MR. INNES: Yeah.

CONFIDENTIAL

Page 75

1 MR. KARP: Maybe I should ask
2 a better question.

3 MR. INNES: That's amazing.

4 BY MR. KARP:

5 Q. Dr. Vauss, the last sentence
6 of this paragraph states, "The Irvington
7 Public School District's Technology
8 Curriculum is aligned to and infuses the
9 New Jersey Core Curriculum Content
10 Standards for Technology 8.1, 8.2, in
11 addition to the Common Core Standards to
12 ensure the literacy needed by all students
13 to succeed in a highly technological
14 world."

15 Do you see that?

16 A. Yes, uh-huh.

17 Q. Do you know what is meant
18 here by the New Jersey Core Curriculum
19 Content Standards for Technology 8.1, 8.2?

20 A. So those are the standards
21 that are part of the curriculum, the
22 state-required curriculum, because
23 technology used to be a stand apart content
24 area, but at this time, it became something
25 that was infused throughout all of the

CONFIDENTIAL

Page 76

1 curricula.

2 Q. So this is some form of
3 state-mandated curriculum regarding
4 technology; is that right?

5 A. Yes, uh-huh.

6 Q. Irvington Public Schools is
7 required to teach its students about
8 technology?

9 A. To integrate it, not as a
10 standalone --

11 Q. Okay.

12 A. -- but as an integrated tool
13 that's used throughout the curriculum.

14 Q. If I wanted to understand
15 what the state requires in terms of
16 technology education today, where would I
17 look?

18 A. You could either look on our
19 website or we have the state standards --
20 well, we have actually our curriculum. You
21 could actually go to New Jersey Department
22 of Education and look on the site and you
23 would find the standards. It's not called
24 Common Core anymore, it's New Jersey
25 Student Learning Standards, but --

CONFIDENTIAL

Page 77

1 Q. Let's take a look at page 7.
2 At the very top of the page, the technology
3 plan states, "Irvington also employs six
4 technology coaches, whose primary function
5 is to train our entire staff on the
6 infusion of technology in their classrooms.
7 The technology coaches currently train on
8 the use of Smartboards, Smart tables,
9 OnCourse lesson planning system, MyMath,
10 Microsoft Office, and Google Docs. The
11 trainings take place during common planning
12 time when available, as well as teacher
13 prep periods. Currently each technology
14 coach is responsible for two buildings."

15 Did I read that correctly?

16 A. Yes.

17 Q. Does Irvington Public Schools
18 still have technology coaches today?

19 A. Yes.

20 Q. Has the number of technology
21 coaches remained the same or has that
22 changed?

23 A. I think that's still the
24 number, somewhere around that number. It
25 may have increased by one or two.

CONFIDENTIAL

Page 78

1 Q. Okay.

2 A. I can't, you know, off the
3 top of my head, I can't tell you how many
4 tech coaches we have, but that sounds about
5 right.

6 Q. So at the time that this was
7 written, there were six technology coaches?

8 A. Uh-huh, that's correct.

9 Q. And today your -- you believe
10 there could be anywhere between six and
11 eight?

12 A. I believe.

13 MR. INNES: Objection.

14 THE WITNESS: I think that
15 might be correct.

16 BY MR. KARP:

17 Q. And according to this
18 technology plan, the primary function of
19 these technology coaches is to train the
20 district's entire staff on the infusion of
21 technology into their classrooms, correct?

22 A. Yes.

23 Q. So these coaches are helping
24 IPS staff to keep up with changes to
25 technology and new ways they may feature in

CONFIDENTIAL

Page 79

1 the classroom?

2 MR. INNES: Objection to form.

3 THE WITNESS: I would say -- I
4 would say, yes, to a degree, yes.
5 I don't know that that is their
6 primary focus. When you talk -- if
7 I were to, you know, pull from
8 there, making sure the Smartboards
9 work correctly, yes. Making sure
10 that OnCourse is online, making
11 sure our Wi-Fi is up in the
12 building, making sure that maybe a
13 new teacher knows how to, you know,
14 knows about Google Suites, yes.
15 Ongoing training, there is a --
16 there are things you have access to
17 our website -- excuse me -- and on
18 there, there are, you know,
19 documents for them to look and
20 maybe self-train. So yes, and yet
21 some of those things have changed,
22 because I believe this document was
23 2013 to 2016.

24 BY MR. KARP:

25 Q. Sure. Sure. And everything

CONFIDENTIAL

Page 80

1 you said is consistent with the words on
2 the page here that their primary function
3 is to train Irvington Public School staff
4 on the infusion of technology into their
5 classrooms; is that fair?

6 A. Their primary, I think their
7 primary responsibility would be to make
8 sure that the technology is up and running
9 and available for the teachers. I would
10 say that's their primary duty. So is it
11 still somewhat the same, yes. But it's a
12 much more, you know, technology maintenance
13 type of role more so these days. Because
14 this time period was the first, you know,
15 induction of technology not being a
16 standalone content area, but something that
17 was being -- well, mandated, but encouraged
18 to be infused in just your everyday role of
19 whatever your content area may be.

20 Q. Understood. Why was it
21 important for Irvington Public Schools to
22 have these technology coaches?

23 A. From a --

24 MR. INNES: Objection to form.

25 THE WITNESS: From a practical

CONFIDENTIAL

Page 81

1 standpoint, to make sure that we
2 were in alignment with state
3 mandates. Two, to bring, you know,
4 more of the world, more access to
5 our scholars via our teachers, so.

6 BY MR. KARP:

7 Q. That makes sense. Let's take
8 a look at page 12. There's a table on
9 page 12 called, "Three-Year Technology
10 Implementation Activity Table."

11 Do you see that?

12 A. Yes.

13 Q. The table starts on page 12
14 and it runs for a few pages through
15 page 15.

16 Do you see that?

17 A. Yes, uh-huh.

18 Q. Let's take a look at the last
19 row of this table on page 15. The last row
20 of this table reads, "Provide parent
21 training on basic computer use, internet
22 use, internet safety, social media, and
23 email," correct?

24 A. Uh-huh.

25 Q. So the goal that is set out

CONFIDENTIAL

Page 82

1 in this activity table is to educate
2 parents and provide them with training on
3 various internet features, social media,
4 and email, correct?

5 MR. INNES: Objection to form.

6 THE WITNESS: I would say from
7 my experience, making sure parents
8 knew how to turn a computer on,
9 that internet was available and how
10 to use it safely being making sure
11 that maybe you don't go to sites
12 that are not good sites for people
13 to go to. And then letting them
14 know about social media, because at
15 that juncture, even though I guess
16 there were other things out in,
17 like, twenty -- I guess, 2010 or
18 whatever, I don't know, like
19 MySpace or things that were like
20 the beginning of social media, I
21 think it was still rather new at
22 that time and just introducing them
23 and letting them know that this was
24 something that was out there and
25 also most importantly that emails,

CONFIDENTIAL

Page 83

1 that that was a form of
2 communication that we could use to
3 communicate maybe with their
4 schools.

5 BY MR. KARP:

6 Q. And why were emails the most
7 important?

8 MR. INNES: Objection to form.

9 THE WITNESS: Most important,
10 I would say because if they're
11 not -- if they don't come into the
12 school or if there's, let's say, if
13 I think of something at midnight
14 and I want to tell my child's
15 teacher or principal, I can email
16 them and they would have it the
17 next day.

18 BY MR. KARP:

19 Q. Understood. Irvington Public
20 Schools believed that there was a safe way
21 for parents and their children to use
22 social media, correct?

23 MR. INNES: Objection to form.
24 And, again, I don't -- I don't want
25 to confuse the two hats that she

CONFIDENTIAL

Page 84

1 might wear, if you're asking about
2 Irvington Public Schools versus
3 Dr. Vauss.

4 BY MR. KARP:

5 Q. I can rephrase the question.
6 Dr. Vauss, you received a copy of this
7 technology plan, correct?

8 A. Yes.

9 Q. Is it your understanding from
10 reading this technology plan that the
11 district was making an effort to train
12 parents on the safe use of social media?

13 MR. INNES: Objection to form.

14 THE WITNESS: I would say
15 perhaps, but from my own
16 experience, I don't think that the
17 crafters of this actually really
18 knew much about social media at the
19 time. I mean, I have been in this
20 district for now going on 21 years
21 and knowing what I know, I don't --
22 I think it was a word that was out
23 there and I don't think that the --
24 excuse me -- that the people who
25 were in charge of making the

CONFIDENTIAL

Page 85

1 decisions knew much about social
2 media, let alone was trying to make
3 a safe way to use it as opposed to
4 saying this is something that's out
5 there and we want people to know
6 that we know that it's out there.

7 I'm just being completely
8 honest from -- just from my
9 knowledge of who would have
10 crafted this and what their
11 knowledge is of technology and/or
12 social media.

13 BY MR. KARP:

14 Q. Okay. And to clarify, I
15 should have asked this at the beginning,
16 did you draft this technology plan?

17 A. No.

18 Q. And you did not -- you did
19 not put together this table that we're
20 reviewing right now, correct?

21 A. No.

22 Q. Okay. If you could turn back
23 to page 8 for a moment.

24 A. Uh-huh.

25 Q. Section VI of this technology

CONFIDENTIAL

Page 86

1 plan refers to three-year goals.

2 Do you see that?

3 A. Yes, uh-huh.

4 Q. And the plan reads, "List
5 clear goals for 2013 to 2016 that address
6 district needs. There must be strong
7 connections between the proposed physical
8 infrastructure and goals. Include goals
9 for using telecommunications and technology
10 that support 21st century learning
11 communities."

12 Do you see that?

13 A. Yes.

14 MR. INNES: Objection.

15 Misstates the document.

16 BY MR. KARP:

17 Q. And to address your counsel's
18 objection, I omitted the information in
19 parentheses when I read that statement,
20 correct?

21 A. Yes.

22 Q. What is your understanding of
23 what is meant here by, "include goals for
24 using telecommunications and technology
25 that support 21st century learning

CONFIDENTIAL

Page 87

1 communities"?

2 A. So "include goals for using
3 telecommunications and technology to
4 support 21st century learning communities."
5 I'm not sure exactly what they meant, but,
6 I mean, if you want telecommunications,
7 that wasn't a big part of necessarily what
8 I was doing at that time. And technology,
9 the use of technology that supports our
10 overall goals and for our learning
11 communities, you know, we had to include
12 the use of technology and how it will
13 enhance our communities, our learning, you
14 know, demographics in our particular
15 schools, I would imagine. But I would
16 think that this would be geared towards,
17 and we talk about the goals because I
18 was -- when this was crafted, I would have
19 been an assistant principal and so I would,
20 my goals would matter, but they wouldn't be
21 referring to me.

22 Q. Sure.

23 A. Okay.

24 Q. The first goal listed here is
25 to improve student academic achievement

CONFIDENTIAL

Page 88

1 through the use of technology?

2 A. Uh-huh.

3 Q. Do you see that?

4 A. Yes, uh-huh.

5 Q. And then the document goes on
6 to list a number of strategies, do you see?

7 A. Yes, uh-huh.

8 Q. Okay. If you look down at
9 item number two, which is on the following
10 page, you'll see the strategy, "building a
11 culture of continuous learning for staff."

12 Do you see that?

13 A. Yes, I see it on your screen,
14 but I don't see it here, so.

15 Q. It's right there in the
16 middle of the page on page 9.

17 A. Page 9. Okay. Yes, I see
18 it.

19 Q. Okay. And if you look down
20 toward the bottom of that list, part G
21 says, "Investigating emerging possibilities
22 for electronic learning resources such as
23 ebooks, social media, and tablets for
24 teachers and students."

25 Do you see that?

CONFIDENTIAL

Page 89

1 A. Yes, uh-huh.

2 Q. As part of this technology
3 plan, the district was investigating ways
4 that it could use ebooks, social media, and
5 tablets with teachers and students,
6 correct?

7 A. Uh-huh, yes.

8 Q. You can put that to the side.
9 Can we take a brief break?

10 THE WITNESS: I'm good. I
11 mean, if you're good, I'm good.

12 MS. HENRY: I could use a
13 break.

14 MR. KARP: Yes, maybe five or
15 ten minutes, is that good?

16 MR. INNES: Yeah.

17 THE VIDEOGRAPHER: The time is
18 11:17 a.m. We're off the record.

19 - - - - -

20 (A recess was taken at this time.)

21 - - - - -

22 THE VIDEOGRAPHER: The time
23 right now is 11:31 a.m. We're back
24 on the record.

25

CONFIDENTIAL

Page 90

1 BY MR. KARP:

2 Q. Welcome back, Dr. Vauss. We
3 just took a brief break. Did you meet with
4 your counsel during the break?

5 A. Yes.

6 Q. And your counsel informed me
7 just before getting back on the record that
8 there was some testimony about the
9 technology plan we were just reviewing that
10 you wanted to amend; is that correct?

11 A. I don't know if I would say,
12 "amend," but add to my testimony, which is
13 when this plan was developed, I wasn't a
14 part of the development of this plan. And
15 at the time that this plan would have been
16 developed, I was an assistant principal at
17 University Middle School. And I don't
18 believe that the authors of this
19 necessarily would have known the reality of
20 University Middle School, which would have
21 been social media was causing great harm to
22 what we were trying to do administratively,
23 instructionally. We were constantly trying
24 to keep children from platforms even at
25 that time period.

CONFIDENTIAL

Page 91

1 So we would say 2012, 2013,
2 you know, I don't believe that this plan
3 was conscious of the realities of some of
4 what was going on at our schools at that
5 time. I think that actually there was a
6 jargon and there was a vernacular in the
7 educational world that would make you
8 appear as though you were sophisticated in
9 the areas of what was going on
10 technologically speaking, and I think
11 that's why maybe some of the authors of
12 this put in those things, because, you
13 know, when I say 2013, 2012, I know as an
14 administrator, we were trying to keep
15 students off of these platforms that they
16 would use on their phones to tap into or
17 getting on from their computers, we didn't
18 have a lot of Chromebooks at that time
19 period, but we did have computers and they
20 would try to access some of these sites at
21 that time period.

22 So I don't think that this,
23 you know, I can't speak for them, but I
24 don't believe that this is -- was rooted in
25 awareness of what was going on in some of

CONFIDENTIAL

Page 92

1 the schools.

2 Q. Dr. Vauss, who wrote this
3 technology plan for 2013 through 2016?

4 A. I think it would have been
5 the tech coach at the time in conjunction
6 with, you know, it was a committee, but I
7 would say the director of technology at the
8 time was Evan Abramson. And there were,
9 you know, it was a committee, it was a
10 committee of people, so, you know.

11 Q. Are you looking at a
12 particular page of this document?

13 A. Oh, yes, I'm looking at
14 page 3, it says, "stakeholders," but
15 stakeholders doesn't mean crafters or
16 authors.

17 Q. And your testimony that the
18 individuals who were responsible for
19 putting together this technology plan did
20 not know the realities of social media,
21 that's your testimony?

22 MR. INNES: Objection to the
23 form. Misstates the prior
24 testimony.

25 THE WITNESS: I would say the

CONFIDENTIAL

Page 93

1 impact that social media was having
2 in the classrooms and on the school
3 culture in a negative way, I don't
4 think that they were necessarily
5 intimately aware of. But I would
6 say that -- I want to say maybe
7 they had some information, but
8 intimately aware of it, perhaps
9 not.

10 BY MR. KARP:

11 Q. Do you know with any
12 certainty what knowledge the drafters of
13 this document actually had?

14 A. I think that some of them
15 would -- would agree that something like
16 social media needs to be something that
17 people are aware of, but to the degree of
18 how it can negatively impact instruction
19 and the mental health and the social
20 awareness of scholars, I don't think
21 that -- I don't believe from looking at the
22 people who were listed here, I wouldn't
23 say.

24 Q. Okay. But nevertheless, the
25 Irvington Board of Education approved this

CONFIDENTIAL

Page 94

1 technology plan, correct?

2 A. Yes, uh-huh.

3 Q. We can put this to the side.
4 I'm handing you tab six.

5 MR. INNES: And, Andrew, I
6 think I'm onto your idiosyncrasy,
7 but the next exhibit will probably
8 be an attachment.

9 MR. KARP: And what exhibit
10 number are we up to?

11 MR. INNES: It's five.

12 MR. KARP: So we'll mark this
13 as Exhibit 5.

14 Dr. Vauss, this is a
15 June 10, 2022, email.

16 Do you see that?

17 THE WITNESS: Yes.

18 - - - - -

19 (Email dated 6/10/22 Bates
20 BW__Irvington00169330 marked
21 Vauss Exhibit 5 for
22 identification.)

23 - - - - -

24 BY MR. KARP:

25 Q. The email is from John

CONFIDENTIAL

Page 95

1 Amberg?

2 A. Yes.

3 Q. And you are one of the
4 recipients, correct?

5 A. Yes.

6 Q. Who is John Amberg?

7 A. He is our technology
8 director -- executive director.

9 Q. He was the technology
10 director at the time that he sent this
11 email --

12 A. Yes.

13 Q. -- in June of 2022?

14 A. Uh-huh.

15 Q. And Mr. Amberg says, "Good
16 day, I am proud to present the five-year
17 tech plan for your approval."

18 Do you see that?

19 A. Yes.

20 Q. And then presumably based on
21 the name of the attachment, he attaches
22 that plan, correct?

23 A. Yes.

24 Q. I'm handing you tab 6A.
25 We'll mark this as Exhibit 6.

CONFIDENTIAL

Page 96

1 A. Okay. Thank you.

2 - - - - -

3 (Technology Plan 2022-2027
4 Bates BW__Irvington00169331 to
5 00169369 marked Vauss Exhibit 6
6 for identification.)

7 - - - - -

8 BY MR. KARP:

9 Q. For the record, this is Bates
10 number starting BW__Irvington00169331. And
11 based on the cover of this document, this
12 is the technology plan for Irvington Public
13 Schools for 2022 through 2027.

14 A. That is correct.

15 Q. So this is the technology
16 plan that is currently operative or in
17 place for Irvington Public Schools?

18 A. Yes.

19 Q. Okay. Let's turn to page 11
20 of this document.

21 MR. INNES: Have you had a
22 chance to review it?

23 THE WITNESS: Say that --

24 MR. INNES: Have you had a
25 chance to review the entire

CONFIDENTIAL

Page 97

1 document?

2 THE WITNESS: No, I have not.

3 BY MR. KARP:

4 Q. For now, I just have a few
5 questions about the information on this
6 page. If you need more context and to look
7 at the surrounding pages, let me know,
8 Dr. Vauss. On page 11, there is a table
9 called, "Key District Software and
10 Systems."

11 Do you see that?

12 A. Yes.

13 Q. The first item listed is
14 PowerSchool Student Information System?

15 A. Yes.

16 Q. Are you familiar with
17 PowerSchool Student Information System?

18 A. I am.

19 Q. What is that?

20 A. It is where we house
21 information about our scholars and their
22 families.

23 Q. What type of information
24 is --

25 A. So --

CONFIDENTIAL

Page 98

1 Q. -- maintained there?

2 A. So what we would house there
3 would be their address, their parent,
4 guardians, grades, discipline records, or
5 if they have some type of disciplinary
6 disposition. A myriad of information about
7 them. That there were special -- if
8 they're a recipient of special services,
9 things like that.

10 Q. Did you say that disciplinary
11 reports and disciplinary data would be --

12 A. There's some, yes.

13 Q. Okay. When you say, "some,"
14 what would be included?

15 A. If a child was suspended, I
16 believe that information would be in there.
17 And it has been so long since I've looked
18 at -- I've logged into PowerSchool. If a
19 child has an allergy. It's just a lot of
20 information about the children, but it's
21 limited in its scope, because at the same
22 time, you want to keep certain things maybe
23 confidential, like, there wouldn't be a
24 Social Security number, we don't put things
25 like that in there.

CONFIDENTIAL

Page 99

1 Q. Sure. You mentioned that a
2 record of suspension could be included in
3 PowerSchool?

4 A. I believe so. I believe so.
5 I'm not a hundred percent. I know that
6 there's some discipline notes that
7 sometimes are held in there. Suspensions
8 exactly, I think so, but that would be a
9 guess.

10 Q. If a disciplinary incident
11 did not rise to the level of suspension,
12 would you expect it to be included in
13 PowerSchool?

14 A. I can't say with certainty.
15 If it was, you were called to the
16 principal's office to speak to them about
17 you're talking too much in class or maybe
18 you said something cross with your teacher,
19 no, that wouldn't be in PowerSchool.

20 Q. To your knowledge, would this
21 disciplinary data include a narrative or a
22 description of the --

23 A. No.

24 Q. -- incident?

25 A. No, it wouldn't.

CONFIDENTIAL

Page 100

1 Q. What form would this
2 information take?

3 MR. INNES: Objection to form.

4 THE WITNESS: I think it's a
5 drop-down menu, I want to say.

6 BY MR. KARP:

7 Q. And then the type of
8 disciplinary incident could be selected
9 from that drop-down menu?

10 A. I believe that's how it
11 operates.

12 Q. Okay. To your knowledge, is
13 there any option in that drop-down menu for
14 social media use?

15 MR. INNES: Objection to form.

16 THE WITNESS: I'm not sure, to
17 be honest.

18 BY MR. KARP:

19 Q. Is there any option in that
20 drop-down menu for the use of technology or
21 a violation of the school or district's
22 policy on technology?

23 MR. INNES: Objection to form.

24 THE WITNESS: I don't think
25 with that specificity. I don't

CONFIDENTIAL

Page 101

1 want to be incorrect, so I would
2 say I don't know.

3 BY MR. KARP:

4 Q. The third item in this list
5 is district and student email by Google for
6 Education.

7 Do you see that?

8 A. Yes, uh-huh.

9 Q. Are you familiar with that
10 program?

11 A. I am not.

12 Q. Do you know if students at
13 Irvington Public Schools are provided with
14 Google email accounts?

15 MR. INNES: Objection to form.
16 Asked and answered.

17 THE WITNESS: Yes, they have
18 email accounts.

19 BY MR. KARP:

20 Q. So through Google for
21 Education, students at IPS have their own
22 Google email accounts; is that correct?

23 A. Yes.

24 Q. Okay. Are students at IPS
25 permitted to access their Google email

CONFIDENTIAL

Page 102

1 accounts while on the district's Wi-Fi
2 network?

3 A. Yes.

4 MR. INNES: Objection to form.

5 THE WITNESS: Yes.

6 BY MR. KARP:

7 Q. Are IPS students able to
8 access their district-provided Google email
9 accounts on their district-issued
10 electronic devices?

11 A. Yes.

12 Q. For example, on a Chromebook
13 that has been provided by the district,
14 correct?

15 A. Yes.

16 Q. Can IPS students use a chat
17 or messaging feature on their
18 district-provided Google email accounts?

19 MR. INNES: Objection.

20 THE WITNESS: I don't believe
21 that they can use -- I know there's
22 one that exists, but I'm not sure
23 if students have access to that.

24 BY MR. KARP:

25 Q. Do you know who would know

CONFIDENTIAL

Page 103

1 the answer to that question?

2 MR. INNES: Objection to form.

3 THE WITNESS: I believe Mr.

4 Amberg would.

5 BY MR. KARP:

6 Q. Would Mr. Amberg also know
7 more about the settings and restrictions
8 that are applied to those Google email
9 accounts?

10 MR. INNES: Objection to form.

11 THE WITNESS: Yes.

12 BY MR. KARP:

13 Q. Sitting here today, do you
14 know anything about what restrictions, if
15 any, the district places on these
16 district-provided Google email accounts?

17 A. We have -- we do have
18 restrictions through a system we use called
19 GoGuardian and it does some type of
20 blocking from certain sites for our
21 scholars.

22 Q. The next item in this list is
23 Google Classroom by Google for Education.
24 Do you see that?

25 A. Uh-huh.

CONFIDENTIAL

Page 104

1 Q. Are you familiar with this
2 program?

3 MR. INNES: Objection to the
4 form.

5 THE WITNESS: Yes. Yes, I am.

6 BY MR. KARP:

7 Q. And what is your
8 understanding of Google Classroom by Google
9 for Education?

10 A. So Google Classroom is a
11 platform that we use to present curriculum.
12 We used Google Classroom during the
13 pandemic to deliver instruction to our
14 scholars.

15 Q. Is Google Classroom an
16 interface that students have access to or
17 is it more of a teaching tool for the
18 individuals providing instruction?

19 MR. INNES: Objection to form.

20 THE WITNESS: So yes. Yes to
21 both, yes. But it's funny the
22 GoGuardian platform, the reason why
23 we had GoGuardian, we had a student
24 who actually would -- didn't want
25 to return to school, because she

CONFIDENTIAL

Page 105

1 noticed that people were putting
2 things on a social media platform
3 about her and people were liking
4 it. It actually became a case that
5 was -- made national news and we
6 had to have that, because it -- we
7 were trying to block what her
8 experience was, because she ended
9 up going over into Brooklyn, we had
10 to finally -- we had to get
11 involved with the FBI and they came
12 in and they interviewed us, because
13 the genesis of it was social media
14 and her feeling bullied through the
15 content that was put up, which, you
16 know, is what it is, but, more
17 importantly, she later recounted
18 the amount of likes and tags, but
19 no one was trying to help her,
20 meaning us adults, we were, but
21 none of the classmates were trying
22 to help her get home or try to help
23 us get her home. So that's why we
24 ended up getting GoGuardian, to
25 kind of try to block the sites that

CONFIDENTIAL

Page 106

1 the children were accessing that
2 to, you know, she felt harassed, I
3 can't, you know, litigate whether
4 she was or not, but I think when
5 she saw how many people thought
6 what was happening to her was
7 funny, it caused her to go into a
8 crisis. And I can't diagnose it,
9 but her mental health was not good
10 at that point. I would like to
11 know where she is right now,
12 because she's no longer in our
13 district and how she's doing. But
14 that, that spiraled us into
15 overdrive to try to come up with
16 something to help our students, so.

17 Sorry, that was just a side
18 note, because when you made
19 mention of that, I was thinking
20 of GoGuardian and, you know, at
21 the inception of this technology
22 plan, it's not listed here
23 because it came as a result of
24 that time period.
25

CONFIDENTIAL

Page 107

1 BY MR. KARP:

2 Q. And I appreciate your sharing
3 that information and that story with me. I
4 believe, you know this, but your counsel
5 will have an opportunity to ask you
6 questions about some of these experiences.

7 Going back to something you
8 said, the individual who was bullied in
9 this instance felt bullied by the content
10 of what was posted; is that what you said?

11 A. No, I think the content that
12 they put up, if I recall, it wasn't as
13 though it was in and of itself not true or
14 something where she would say this is not
15 true. Where she focused in on is was how
16 many people that she could see who liked it
17 who were supposed to be her friends. The
18 people who liked her looking not in her
19 best light and they were liking and then
20 they were sharing it with other people and,
21 you know, it caused her -- it caused her to
22 spiral. And when we then saw, like, the
23 different sites and all of that, we were,
24 like, I was, I asked Mr. Amberg, I was,
25 like, is there anything that we can do to

CONFIDENTIAL

Page 108

1 try to stop this. I mean, we have some
2 really, you know, bright students who want
3 to get on these platforms, so we can't
4 entirely stop it, but we were trying our
5 best at that time. And she was just -- she
6 just happened to be the genesis of that
7 particular site.

8 Q. And I just want to make sure
9 I'm on the same page.

10 A. Uh-huh.

11 Q. I hear what you're saying
12 about the likes, but before anything was
13 even liked, something was posted that was
14 hurtful to this individual, correct?

15 A. I don't know that one
16 happened before the other. I think she
17 learned of a posting at the same time of
18 seeing who liked what was posted. So did
19 the content hurt her, yes. But, you know,
20 I believe what really hurt was that how
21 many people liked it as well, you know.
22 And I think in that instance too, not just
23 liking it, but also sharing it. So it
24 wasn't confined to just being a post, but
25 it was being shared over and over and over

CONFIDENTIAL

Page 109

1 again. And it was hurtful to her.

2 Q. And when someone likes a post
3 on social media, they are expressing that
4 they like what has been posted, correct?

5 A. I mean, I guess, to a degree
6 that we can assume that that's what the
7 like means, yes.

8 Q. They are expressing
9 themselves by clicking that button to say
10 that they like the post?

11 MR. INNES: Objection to form.

12 THE WITNESS: Yeah, I guess, I
13 guess, but I also think it's a way
14 of trying to hurt someone at the
15 same time. You know, or that they
16 are acknowledging, yeah, I see
17 this, you know, and then, you know,
18 because you see a lot of things
19 that say like and share and I'm
20 going to spread this, whatever this
21 may be, I'm going to spread it and
22 cause happiness or sadness. In
23 this instance, it caused a lot of
24 sadness, a lot of, you know, I
25 think the young lady dealt with a

CONFIDENTIAL

Page 110

1 little bit of suicidal ideations,
2 because she -- the liking and the
3 sharing said I don't really care
4 about you.

5 BY MR. KARP:

6 Q. And when an individual shares
7 a post on social media, it's similar to
8 telling all their friends, correct?

9 MR. INNES: Objection to form.

10 THE WITNESS: Can you restate
11 that?

12 BY MR. KARP:

13 Q. Sure. Sharing a post is very
14 similar to turning to your friends and
15 telling them about that incident or about
16 that content or about whatever it was that
17 was posted?

18 A. No, I wouldn't say that. If
19 I say to -- if I turned to my counsel and
20 say, you know, something, at best, everyone
21 in this room can hear it as opposed to
22 something being on social media and it can
23 go -- it can go viral and it can go all
24 over the state. It can go all over the
25 country. And it has, really, it has, even

CONFIDENTIAL

Page 111

1 if little, little bitty Irvington, things
2 have gone from city to city and been very,
3 not just hurtful, it's caused damage. It's
4 caused death. And I don't think that's
5 just as simple as turning and saying, you
6 know what, I beat that person up or, you
7 know, I'm going to beat that person up.
8 That's how it was when I was growing up.
9 But that's not what's going on now.

10 Q. Do you recall approximately
11 when this incident took place?

12 A. It had to be maybe, like,
13 20 -- sometime in 2023 maybe.

14 Q. And at which Irvington school
15 was this young lady a student?

16 A. She was a student at UMS.

17 Q. Do you recall which social
18 media platform was involved in this
19 incident?

20 A. This is a guess, it was -- it
21 was probably either Instagram or Facebook,
22 but I'm not a hundred percent sure. It
23 could have even been -- I want to say it
24 was one of those two, I'm pretty sure.

25 Q. Would there be reports or

CONFIDENTIAL

Page 112

1 other documents in the district's files
2 regarding this incident?

3 A. There wouldn't be, because if
4 I would have, you know, be -- we were the
5 last school of record for her, but she had
6 transitioned to a different school
7 district, but she had not registered
8 officially in the other school district,
9 so.

10 Q. Can you explain that one more
11 time?

12 A. So when this happened, when
13 we learned of this, she was supposed to --
14 she had transferred out. There's a process
15 how we transfer, so we transfer students if
16 we have a name of the school that they are
17 supposed to report to, we're talking about
18 out-of-district transfers, and until they
19 actually register in that school, they're
20 still a part of our school district. So
21 the student was technically still a part of
22 our school district. And when the things
23 that occurred to her happened, it was
24 interactions with, unfortunately, with
25 students who belonged to us here in

CONFIDENTIAL

Page 113

1 Irvington.

2 Q. Did records of that incident
3 exist at one point in time?

4 MR. INNES: Objection to form.

5 THE WITNESS: There weren't
6 records, because we didn't have her
7 records, you know, so to speak
8 still, because we had sent things
9 over to where she was supposed to
10 register and she hadn't registered.

11 BY MR. KARP:

12 Q. Does Irvington keep records
13 for students who transfer to other school
14 districts?

15 MR. INNES: Objection to form.

16 THE WITNESS: Generally, no,
17 we transfer them over to where they
18 say that they're going. We keep
19 records of former students who stay
20 and graduate, because that would,
21 you know, especially during --
22 well, we would love to, you know,
23 technology-wise have everything
24 online and then it can live on
25 forever, but that is not the case

CONFIDENTIAL

Page 114

1 with all of our students,
2 especially when, you know, you talk
3 about students from '90s, 2000s,
4 early 2000s, something like that.
5 But former -- I mean, but
6 transferring students, we transfer
7 their information.

8 BY MR. KARP:

9 Q. I understand. Shifting focus
10 back to the plan itself, the document
11 that --

12 A. Yes.

13 Q. -- we have been discussing,
14 let's look at page 13. According to this
15 section of the technology plan in 2022,
16 Irvington Public Schools had 12,258
17 Chromebooks for student use on a daily
18 basis; is that correct?

19 A. Yes.

20 Q. Were laptops provided to
21 students on a one-to-one basis?

22 A. The Chromebooks, yes, uh-huh.

23 Q. Meaning that there was one
24 Chromebook for every student?

25 A. Yes.

CONFIDENTIAL

Page 115

1 Q. To your knowledge, could
2 Irvington Public Schools students take
3 those Chromebooks home with them?

4 A. Yes.

5 Q. And was that true for all
6 ages or only certain grade levels?

7 A. There was a time where we
8 allowed everyone to, because of the
9 necessity, especially when, you know, 2020,
10 but when the inception of this plan, we
11 had, I believe we pivoted from all of the
12 students taking them home and I think we
13 focused in on the upper grades, but I
14 believe Mr. Amberg can speak with certainty
15 on that. But, I think, I want to say
16 grades six through 12 had the option of a
17 Chromebook at school and one at home.

18 Q. And this document indicates
19 that during the 2022 to 2023 school year,
20 the district explored a two-to-one
21 initiative at the elementary schools?

22 A. Uh-huh.

23 Q. And that would have meant
24 that elementary school students in the
25 district would have had one --

CONFIDENTIAL

Page 116

1 A. Chromebook --

2 Q. -- Chromebook at home and one
3 Chromebook at school?

4 A. Uh-huh.

5 Q. Did that ultimately come to
6 be?

7 A. Yes, yes.

8 Q. Let's look at page 23.
9 There's a table on this page, the three
10 columns read, "Educators'
11 Proficiency/Identified Need, Ongoing
12 sustained high quality professional
13 development planned and Support."

14 Do you see that?

15 A. Yes, uh-huh.

16 Q. The last item in this chart
17 or table says, "Integrating Social Media
18 District Wide."

19 Do you see that?

20 A. Yes, uh-huh.

21 Q. This is listed as educators
22 proficiency/identified need?

23 A. Uh-huh.

24 Q. And this was for the 2022 to
25 2027 technology plan for the district,

CONFIDENTIAL

Page 117

1 correct?

2 A. Uh-huh.

3 Q. And to accomplish this goal,
4 IPS planned for technology coaches to
5 provide all interested teachers with
6 training in district policies and the safe
7 use of social media.

8 Do you see that?

9 A. Yes, uh-huh, yes.

10 Q. So at this time -- strike
11 that.

12 So at this time, the
13 district was -- had identified a need to
14 integrate social media across the district,
15 correct?

16 A. Yes, uh-huh.

17 Q. And in order to do that, was
18 utilizing technology coaches to assist
19 teachers in understanding the safe use of
20 social media, correct?

21 A. Yes.

22 Q. Has IPS met this goal of
23 integrating social media district-wide?

24 A. We do use social media, so
25 when you say, "met the goal," do we use

CONFIDENTIAL

Page 118

1 social media, do we make sure that our
2 teachers understand the safe uses of it,
3 and the ones that are in keeping with our
4 ECOS, yes, I would say yes, but it's very
5 monitored.

6 You have to have -- in order
7 for you, well, there are two uses. We have
8 technology being used to advertise if we
9 have a game or if we have a fundraiser,
10 right, and that is, we know when you're
11 using it and what you're using it for.

12 And then we have within the
13 classroom, you have to lesson plan and you
14 have to give the rationale as to why you
15 may want to use something. The only social
16 media site that I am aware of that would be
17 used by a teacher would be a clip of
18 something maybe on YouTube. It would be a
19 clip of something, but it has to be vetted.
20 It has to be approved. And it's not
21 something that you can just use randomly.
22 So you have to submit your lesson plans.
23 The supervisor or building administrator
24 who is responsible for you using that site
25 would have to really understand that

CONFIDENTIAL

Page 119

1 there's a connection and that there's no
2 other modality that you can use to execute
3 that particular lesson plan. So it is used
4 very sparingly and rarely and if it's used,
5 it can't be something that is more than
6 somewhat of a snippet. It can't be used
7 as, like, the lesson for that day or
8 something.

9 Q. Nevertheless, the district's
10 goal was to integrate social media,
11 correct?

12 MR. INNES: Objection to form.
13 Asked and answered.

14 THE WITNESS: I think what we
15 said here was the safe use of
16 social media. So our goal was not
17 to use social media as much as to
18 realize that it is a part of our
19 reality and we already know the
20 damages that it has done, so we
21 want to make sure that we, even
22 with our staff, we want to make
23 sure that within the school day, if
24 they're going to use it, that it's
25 used responsibly.

CONFIDENTIAL

Page 120

1 BY MR. KARP:

2 Q. So there is a safe and
3 responsible way to use social media and the
4 district wanted to train and educate
5 teachers on how to do that?

6 A. Yes.

7 Q. To your knowledge, can
8 Irvington Public Schools students access
9 social media on the district's Wi-Fi
10 network?

11 A. I -- well, let me answer that
12 in two parts. With our GoGuardian, they
13 should not, but do we have students who are
14 able to bypass our safety measures, yes.

15 Q. Does GoGuardian block access
16 to social media platforms?

17 A. That is its purpose.

18 Q. Does GoGuardian block access
19 to Facebook?

20 A. I want to say yes, because
21 it's a social media site. Has students
22 been able to bypass it? Yes. Have they
23 been able to bypass our safety measures?
24 Yes. Those students who are intent on
25 getting on, yes, so.

CONFIDENTIAL

Page 121

1 Q. And just to make sure that
2 you're -- I appreciate your answer, I just
3 want to make sure you're focused on my
4 question --

5 A. I am.

6 Q. -- of what GoGuardian
7 specifically is set --

8 A. Yes.

9 Q. -- to do --

10 A. Uh-huh.

11 Q. -- and the setting for
12 GoGuardian is to block Facebook; is that
13 accurate?

14 MR. INNES: Objection to form.

15 THE WITNESS: It is meant to
16 block sites our scholars shouldn't
17 go on. That's what the intent is.
18 I don't believe that -- I can't
19 speak for the GoGuardian company,
20 but for our purposes, the reason
21 why we got it was to discourage our
22 scholars from getting on sites that
23 they shouldn't get on. Was it
24 specific to Facebook? I don't
25 believe that when we bought it we

CONFIDENTIAL

Page 122

1 said we don't want them to get on
2 this site versus that site. We
3 don't want them to get on any sites
4 during the school day that they
5 shouldn't get on. That's the
6 point. That was the purpose.

7 BY MR. KARP:

8 Q. And I'm going to ask it a
9 little bit differently just to make sure
10 we're on the same page.

11 A. Okay.

12 Q. I don't want to make this
13 seem redundant?

14 A. Uh-huh.

15 Q. Putting aside students are
16 able to bypass GoGuardian, does the
17 district use GoGuardian to block access to
18 Facebook?

19 MR. INNES: Objection. Asked
20 and answered.

21 THE WITNESS: I believe so,
22 yes. I believe so.

23 BY MR. KARP:

24 Q. And do you know for how long
25 that has been the case?

CONFIDENTIAL

Page 123

1 A. That, I don't know. It's --
2 I don't want to guess, but we -- we saw
3 issues as they were arising and that was
4 one of the solutions.

5 Q. Putting aside whether
6 students are able to bypass GoGuardian,
7 does the district use GoGuardian to block
8 student access to Instagram?

9 A. I believe so.

10 Q. Putting aside whether
11 students are able to bypass GoGuardian,
12 does the district use GoGuardian to block
13 student access to SnapChat?

14 A. I believe so.

15 Q. And would these be the same
16 answers for TikTok?

17 A. Yes, that would be the same
18 answer.

19 Q. And what about YouTube?

20 MR. INNES: Objection. Asked
21 and answered.

22 THE WITNESS: I believe so.

23 BY MR. KARP:

24 Q. Okay. So it's your
25 understanding that, putting aside whether

CONFIDENTIAL

Page 124

1 or not students are bypassing GoGuardian,
2 the district uses GoGuardian to block their
3 access to YouTube?

4 MR. INNES: Objection. Asked
5 and answered.

6 THE WITNESS: I believe so.
7 There may be other things that we
8 use to try to prohibit getting on
9 unauthorized sites, during --
10 especially during instructional
11 time, but I know that's one of
12 those tools.

13 BY MR. KARP:

14 Q. And would Mr. Amberg be
15 someone who is knowledgeable about
16 GoGuardian and whether students can access
17 different social media platforms in light
18 of GoGuardian?

19 MR. INNES: Objection.
20 Compound.

21 THE WITNESS: Yes.

22 BY MR. KARP:

23 Q. Sitting here today, do you
24 know what percentage of students at
25 Irvington Public Schools have Facebook

CONFIDENTIAL

Page 125

1 accounts?

2 A. No.

3 Q. Do you know what percentage
4 of students at IPS have Instagram accounts?

5 A. No.

6 Q. Do you know what percentage
7 of students at IPS have SnapChat accounts?

8 A. No.

9 Q. Do you know what percentage
10 of students at IPS have TikTok accounts?

11 A. No.

12 Q. And do you know what
13 percentage of students at IPS have YouTube
14 accounts?

15 A. No, I don't.

16 MR. INNES: I'll just make a
17 brief statement for the record,
18 I've said in prior depositions,
19 we've sent letters, we've sent
20 document requests, we've sent
21 interrogatories, I believe, asking
22 for that exact data, that I believe
23 your clients would all have and you
24 have refused to produce it. I
25 renew my request for you to produce

CONFIDENTIAL

Page 126

1 that data immediately.

2 MR. KARP: Thank you, and I'm
3 simply asking if she knows and --

4 MR. INNES: I understand what
5 you're asking and I think you're
6 asking because you think it's
7 relevant, right, and you've told us
8 it's not relevant, I believe.

9 MR. KARP: You set out your
10 position on the record.

11 MR. INNES: I'm just
12 responding to how you responded to
13 my position.

14 BY MR. KARP:

15 Q. Do you know what percentage
16 of time Irvington Public School students
17 spends on their cell phones using social
18 media versus texting or playing video
19 games?

20 A. No, but I would say that it
21 is significantly greater and while I don't
22 know how many, for example, how many of our
23 scholars have Instagram accounts, I know
24 that they have the ability to create
25 Instagram accounts at will and that they do

CONFIDENTIAL

Page 127

1 and they create sites where they can post
2 fights or any other content so that people
3 can see it, so they can like it, and most
4 importantly, especially as it pertains to
5 fights, so they can share it and that they
6 become Instagram famous. That is -- that
7 happens on a daily basis almost, if I were
8 to venture a guess. I don't know if they
9 go back to their other sites, I don't know
10 if it's just they create new ones, but they
11 create them constantly to be able to post,
12 like, and share and become Instagram --
13 they call it Instagram famous, the kids
14 say, so, yeah.

15 Q. But your answer to my
16 question was no, you don't know what
17 percentage they spend on -- the amount of
18 time --

19 A. One versus the other.

20 Q. -- on social media versus
21 texting, doing video games, or something
22 else on their phones?

23 A. No, I believe some -- with
24 the exception of the games, I think they do
25 those things almost simultaneously. And I

CONFIDENTIAL

Page 128

1 think that a lot of our scholars,
2 especially our secondary scholars, from the
3 time that they wake up in the morning, it
4 doesn't stop when they walk through the
5 door and through the evening, they're on
6 social media platforms.

7 Q. Let's take a look at another
8 document. This is tab 8A, it's a little
9 bit long, so I am providing you with a full
10 copy and also an excerpt just to help you
11 focus on the pages we'll be discussing.
12 We'll mark the full copy as the exhibit.

13 MR. INNES: Seven?

14 MR. KARP: Yes, Exhibit 7.

15 - - - - -

16 (IPS Student Code of Conduct
17 Bates BW__Irvington00223664 to
18 00223744 marked Vauss Exhibit 7
19 for identification.)

20 - - - - -

21 BY MR. KARP:

22 Q. Dr. Vauss, this is the
23 Student Code of Conduct for Irvington
24 Public Schools for the 2023-2024 school
25 year.

CONFIDENTIAL

Page 129

1 Do you see that?

2 A. Uh-huh.

3 Q. Are you familiar with this
4 document?

5 A. Yes.

6 Q. Did you help put it together?

7 A. I looked over it, but my
8 technology person, Mr. Amberg, would have
9 put this together and although -- I'm
10 looking at just this --

11 Q. I'm sorry, I'm talking --

12 A. Sorry, sorry, the whole
13 document --

14 Q. -- about the full Student
15 Code of Conduct?

16 A. I thought you were talking
17 about just -- okay, yes.

18 Q. So just to reask my question,
19 did you help put together this Student Code
20 of Conduct?

21 A. Yes.

22 Q. What was your involvement in
23 putting this together?

24 A. So various stakeholders
25 contributed and then I just, I read through

CONFIDENTIAL

Page 130

1 it and asked questions or did some, maybe
2 some editing maybe.

3 Q. Did you draft any sections of
4 the Student Code of Conduct?

5 A. So the district goals would
6 have been mine exclusively.

7 Q. On page 4?

8 A. Page 4, yes.

9 Q. Into page 5?

10 A. Yes, uh-huh.

11 Q. Any other sections do you
12 recall writing?

13 A. Give me -- can I look through
14 it?

15 Q. Sure.

16 A. Okay. Delayed opening,
17 page 7. School hours. I would have input
18 on page 12, the goals of the Student Code
19 of Conduct. Rights and responsibilities,
20 so kind of are things that have, you know,
21 things that we believe in, but I wouldn't
22 say that I crafted that, I would have just
23 continued some of it, uh-huh.

24 Q. Sure. And I don't want to
25 cut you off, Dr. Vauss. I'm only going to

CONFIDENTIAL

Page 131

1 ask about a couple of sections here.

2 A. Okay.

3 Q. Is it --

4 MR. INNES: So are you going
5 to withdraw the question and ask --

6 MR. KARP: Sure, I will
7 withdraw the question.

8 Dr. Vauss, you have drafted
9 and contributed to some sections
10 of the Student Code of Conduct,
11 correct?

12 THE WITNESS: Yes.

13 BY MR. KARP:

14 Q. I'm focused primarily on the
15 technology section which appears on
16 page 27, if you can turn there with me.

17 A. Yes.

18 Q. Did you contribute to the use
19 of technology section that appears on
20 page 27?

21 A. I would have approved its
22 inclusion, but I would not have drafted
23 this.

24 Q. Okay. Do you recall
25 reviewing this section of the Student Code

CONFIDENTIAL

Page 132

1 of Conduct before it was finalized?

2 A. Specifically this section,
3 no, but, yes, I would say I looked over the
4 code of conduct.

5 Q. And this part of the Student
6 Code of Conduct applies to the use of cell
7 phones on IPS premises; is that fair?

8 A. Which, the overall policy? I
9 think it's -- it's saying our computer
10 network, whether it's the cell phone or if
11 it's a Chromebook or any of that, we don't
12 necessarily want our scholars to be
13 accessing those.

14 Q. Sure. I'll focus you at the
15 top of the page on "Guidelines for the use
16 of technology."

17 Do you see that?

18 A. Uh-huh.

19 Q. And if you look partway down
20 that paragraph, there's a statement that
21 reads, "These guidelines cover the use of
22 computers, scanners, digital cameras, video
23 projectors, video cameras, cell phones,
24 Nextel devices, PDA devices, and wireless
25 email devices and define the acceptable use

CONFIDENTIAL

Page 133

1 of such technology by students."

2 Do you see that?

3 A. Yes.

4 Q. So these guidelines refer to
5 cell phones and how they can or cannot be
6 used on IPS grounds; is that fair?

7 A. Yes, I think so.

8 Q. Okay. Can IPS students bring
9 cell phones to school?

10 A. Yes.

11 Q. Are they permitted to have
12 their cell phones out during the school
13 day?

14 A. Yes.

15 Q. Under what circumstances?

16 A. So I've had the occasion to
17 visit -- I'm a mathematics -- I mean,
18 amongst other things, but I love
19 mathematics, so I'll visit a math class and
20 not so much now, but maybe there has been a
21 time where they use their cell phones as a
22 calculator, you know. And even the
23 calculators on phones have really, you
24 know, advanced and so I've gone into
25 classrooms and seen cell phones being used

CONFIDENTIAL

Page 134

1 as calculators.

2 Q. Okay. So cell phones can be
3 used in class as part of instruction; is
4 that right?

5 MR. INNES: Objection to form.

6 THE WITNESS: Yeah. Yeah --
7 yes, I guess I can answer.

8 BY MR. KARP:

9 Q. Can students use their cell
10 phones for other purposes during the school
11 day?

12 A. You mean permissive -- is it
13 permitted?

14 Q. Yes, is it permitted?

15 A. Yes, yes.

16 Q. What other purposes can
17 they -- or strike that.

18 When else can students use
19 their cell phones during the school day?

20 A. Like lunchtime, uh-huh.

21 Q. Before school starts can, if
22 a student is walking around the hallways,
23 can he be on his cell phone?

24 A. They shouldn't --

25 MR. INNES: Objection.

CONFIDENTIAL

Page 135

1 THE WITNESS: Sorry.

2 MR. INNES: No, that's okay.

3 THE WITNESS: No, they
4 shouldn't, they shouldn't. A lot
5 of things that we hear are students
6 who will try to say I need to call
7 my parents, right, and we encourage
8 them to go to the main office, even
9 if the use of their cell phone has
10 to be done in front of an
11 administrator to call their
12 parents, if they don't -- a lot of
13 students don't know their parents'
14 phone numbers, they have it in the
15 cell phone. So in order -- if it's
16 an emergency situation, and it has
17 to be considered that by the
18 administrator that they have to
19 call, they have to call in front of
20 an adult. Because we discourage
21 them using the cell phone during
22 any time that's considered their
23 instructional time. And when they
24 walk into the building, if you're
25 talking about the high school or

CONFIDENTIAL

Page 136

1 middle school, it's instruction
2 more than likely has started.

3 BY MR. KARP:

4 Q. Are students required to
5 store their cell phones in a locker or
6 other location during the school day?

7 MR. INNES: Objection to form.

8 THE WITNESS: They're not --
9 not in a locked lock or bag or
10 anything, but they are asked to put
11 it away unless like the example I
12 gave of a scholar using it as a
13 calculator and that's after it has
14 been approved by the teacher.

15 BY MR. KARP:

16 Q. And your understanding is
17 that students are permitted to use their
18 cell phones during their lunch periods?

19 A. Yes.

20 Q. If you look down in the
21 policy, there is a section that starts,
22 "students shall not."

23 A. Yes.

24 Q. And then there is a bulleted
25 list.

CONFIDENTIAL

Page 137

1 Do you see that?

2 A. Yes.

3 Q. The second item indicated
4 here is, "Students shall not access social
5 networking sites or chat lines or enter
6 chat rooms that are not under a class
7 activity under the supervision of a teacher
8 or other school personnel."

9 Do you see that?

10 A. Yes.

11 Q. And is that your
12 understanding of the district's policy?

13 A. That that bullet is part of
14 our -- yes, uh-huh.

15 Q. Would Facebook be included in
16 one of these social networking sites that
17 is not to be visited pursuant to this part
18 of the technology policy -- excuse me,
19 pursuant to this part of the Student Code
20 of Conduct?

21 A. Yes, I would say -- I would
22 say so unless it was under the supervision
23 of, as according to the bullet, unless it
24 was under the supervision of a teacher or a
25 school personnel.

CONFIDENTIAL

Page 138

1 Q. Is Instagram included in this
2 section as well?

3 A. I mean, because it doesn't
4 specify a particular social network site, I
5 would say yes. However, I have -- my
6 experience, I have never seen those sites
7 used as the instructional tool. What I
8 have seen are sites being put up where,
9 whether your choice is A, B, C, or D, like
10 a random selector type of device being used
11 in that way, but not -- and not that I have
12 been in every single classroom every single
13 day, I've probably been in every single
14 classroom, but I've never seen those sites
15 used for educational purposes.

16 Q. And I understand that. The
17 question I'm asking is simply whether this
18 policy is including Instagram when it says,
19 "social networking sites"?

20 A. Yes, I believe so.

21 Q. And to go back to the first
22 platform I asked, Facebook would also be
23 included?

24 A. Yes.

25 Q. How about SnapChat?

CONFIDENTIAL

Page 139

1 A. I believe so, yes.

2 Q. And would you say the same
3 for TikTok?

4 A. Yes.

5 Q. And how about YouTube?

6 A. Yes.

7 Q. I believe you were telling us
8 a little bit about this already, but do
9 Irvington Public School teachers
10 incorporate social media into their lesson
11 plans?

12 MR. INNES: Objection to form.

13 THE WITNESS: Yes. I can only
14 speak to YouTube as far as, like,
15 clips and I would say other social
16 networking sites, not so much
17 teachers, but sites that are
18 connected with Irvington High
19 School. Blue Knights, I think
20 there may be a site where they post
21 about activities, whether it's the
22 JROTC is having a meet or if
23 there's a track meet or if there's
24 a football game or something of
25 that nature.

CONFIDENTIAL

Page 140

1 BY MR. KARP:

2 Q. The student code -- you look
3 down at the last bullet here, the Student
4 Code of Conduct also says that, "Students
5 shall not use email or text messaging or
6 web postings on social networking sites to
7 promote the annoyance, harassment,
8 intimidation, bullying, or attack of
9 others."

10 Do you see that?

11 A. Yes.

12 Q. This policy acknowledges that
13 annoyance, harassment, intimidation,
14 bullying, and attacking others could
15 potentially occur on social media
16 platforms?

17 A. Yes.

18 Q. It also acknowledges that
19 they could potentially occur over email?

20 A. Yes.

21 Q. And that they could
22 potentially occur over text?

23 A. Yes.

24 Q. Let's look at page 31 of the
25 Student Code of Conduct. This section is

CONFIDENTIAL

Page 141

1 called, "Prohibited Items."

2 Do you see that?

3 A. Yes, uh-huh.

4 Q. Did you draft this section of
5 the Student Code of Conduct?

6 A. I did not.

7 Q. Did you review it before it
8 was finalized?

9 A. Yes.

10 Q. Cell phones are identified as
11 a prohibited item, correct?

12 A. Yes.

13 Q. And the policy states that
14 cell phones and -- or strike that.

15 The policy states, "Such
16 items have no place in the academic
17 environment."

18 Do you see that?

19 A. No, where, which paragraph
20 are we looking at?

21 Q. Sure. I'll just read from
22 the beginning.

23 A. Okay.

24 Q. "Bringing cigarettes, any
25 other tobacco products, lighters, radios,

CONFIDENTIAL

Page 142

1 tape recorders, iPod, electronic music
2 devices, game systems, MP3 players,
3 cellular phones, walkie-talkies, cameras,
4 skateboards, scooters, musical instruments
5 (other than used by band members), laser
6 pointers, and any other dangerous illegal
7 or disturbing articles to school is
8 strictly prohibited. Such items have no
9 place in the academic environment."

10 Do you see that?

11 A. Uh-huh.

12 Q. So according to Irvington
13 Public Schools, cell phones have no place
14 in the academic environment, correct?

15 A. Yes, that's what it says, but
16 it also says, "We understand that cell
17 phones are prevalent in today's society."
18 So while we really were strong wording and
19 did not want and we do not want, if
20 possible, students to bring cell phones,
21 they are going to bring them. And so, you
22 know, because of that, that's why we say
23 what we say after that.

24 Q. I mean, you're referring to
25 the passage at the very end which reads,

CONFIDENTIAL

Page 143

1 "We understand that cell phones are
2 prevalent in today's society; if students
3 bring cell phones to school, they should be
4 concealed and turned off."

5 A. Uh-huh.

6 Q. Do you see that?

7 A. Uh-huh.

8 Q. And is that the district
9 policy?

10 A. We don't, no, we don't have
11 that in our policy, but as far as what we
12 think is the ideal situation, that's what
13 we presented here.

14 Q. "If any staff member sees or
15 hears a cell phone the phone will
16 immediately be taken away and given to an
17 administrator. Parent may be required to
18 pick it up."

19 Do you see that?

20 A. Yes, uh-huh.

21 Q. During your time at Irvington
22 Public Schools, has the district ever
23 banned cell phones from school property
24 entirely?

25 MR. INNES: Objection to form.

CONFIDENTIAL

Page 144

1 THE WITNESS: No.

2 BY MR. KARP:

3 Q. Why not?

4 A. Because cell phones have
5 been -- have become integrated into what
6 our parents use to stay in touch and
7 contact with their scholars. It is what
8 our staff use to stay in contact with their
9 children. It is a part of every community
10 that probably is in New Jersey and to, you
11 know, I know people have their own policies
12 and we have things that are, you know, as I
13 state that may, you know, become state
14 policies, but cell phones are a tool that
15 is a safety tool as well and so while --
16 and I would say primarily when we talk
17 about not having those things, we speak,
18 even though we didn't specify, we speak
19 more to the younger ones, even though they
20 still have them, but it is not -- it would
21 not be a popular thing to ban all cell
22 phones. Especially if a child were to be
23 walking down the street, something
24 happened, and they needed to call 911.
25 That has become such a part of our culture

CONFIDENTIAL

Page 145

1 right now that it's kind of impossible to
2 ban it entirely.

3 Q. As superintendent of
4 Irvington Public Schools, could you ban
5 cell phones outright if you wanted to?

6 MR. INNES: Objection to form.

7 THE WITNESS: I could not ban
8 it necessarily as an ongoing thing,
9 that would be something that I
10 would want the Board of Education
11 to perhaps vote on.

12 BY MR. KARP:

13 Q. You could propose that idea
14 to the board if you wanted to?

15 A. Yes.

16 MR. KARP: Okay. I believe we
17 have reached our lunch break. It's
18 about 12:30. So let's go off the
19 record.

20 THE VIDEOGRAPHER: The time
21 right now is 12:33 p.m. We are off
22 the record.

23 - - - - -

24 (A recess was taken at this time.)

25 - - - - -

CONFIDENTIAL

Page 146

1 THE VIDEOGRAPHER: The time
2 right now is 1:23 p.m. We are back
3 on the record.

4 BY MR. KARP:

5 Q. Dr. Vauss, welcome back from
6 lunch.

7 A. Thank you.

8 Q. Does Irvington Public Schools
9 have any social media accounts?

10 A. Yes.

11 Q. Which ones?

12 A. We have, through the high
13 school, I know that we have, I think, it's
14 called Irvington Blue Knights. We might
15 have others, but I know of that one
16 specifically.

17 Q. Let's start at the
18 district-wide level, does the district
19 itself as opposed to individual schools
20 have any social media accounts?

21 A. No.

22 Q. You mentioned the Irvington
23 High School Blue Knights?

24 A. I believe that's what it's
25 called.

CONFIDENTIAL

Page 147

1 Q. And that is the name of the
2 high school's social media account?

3 A. I think it's, yeah, Irvington
4 Blue Knights.

5 Q. Okay. And do you know on
6 what platform that social media presence
7 operates?

8 A. I believe Instagram.

9 Q. And just to ask a better
10 question than that, your belief is that the
11 Irvington High School Blue Knights have an
12 Instagram account?

13 A. Yes.

14 Q. Any other social media
15 accounts like Facebook?

16 A. I'm not entirely sure.

17 Q. Do you know if Irvington High
18 School has a SnapChat account?

19 A. I'm not sure. I'm not aware
20 if they are.

21 Q. Do you know if they have --
22 if Irvington High School has a TikTok
23 account?

24 A. I don't believe so, but I'm
25 not sure. I mean, you know, I don't know.

CONFIDENTIAL

Page 148

1 Q. Do you know if Irvington High
2 School has its own YouTube account?

3 A. That, I'm not sure of as
4 well. I'm not sure if you have to have an
5 account to be able to access the videos, so
6 if you do, then that would be a yes. But
7 if you can just use it at random, I would
8 say that, you know, but I know you have to
9 get authorization to use the YouTube in
10 class or instruction.

11 Q. Understood. So you don't
12 know for sure whether they do or do not --
13 whether Irvington High School does or does
14 not have a YouTube account?

15 A. I'm not sure.

16 Q. Okay. With respect to the
17 Irvington High School Instagram account,
18 are you the account holder for that?

19 A. No.

20 Q. Do you know who is?

21 A. I want to -- I'm venturing a
22 guess, because I know of two different
23 instances where it existed, one was a
24 former administrator and she was, I guess,
25 in charge of making sure information got

CONFIDENTIAL

Page 149

1 out about happenings at the high school.
2 And I know that, I want to say someone from
3 JROTC, but the exact individual, I'm not
4 sure.

5 Q. What was the acronym you just
6 used, JR --

7 A. Yes, JROTC program.

8 Q. Oh, JROTC. Thank you. Sorry
9 about that.

10 Do you have any involvement
11 in managing the Irvington High School
12 Instagram account?

13 A. No.

14 Q. Do you have review content
15 before it is posted to the Irvington High
16 School Instagram account?

17 A. No.

18 Q. Have you ever created content
19 that was later posted on the Irvington High
20 School Instagram account?

21 A. No. Unless if it was
22 something of, maybe I was in it, because if
23 I attended, like, a health fair and they
24 posted it on there or something, but not me
25 creating content and put it on that site,

CONFIDENTIAL

Page 150

1 no.

2 Q. Sure. And I'll ask a
3 clarifying question. Have you ever created
4 content for the purpose of having it posted
5 on the Irvington High School Instagram
6 account?

7 A. No.

8 Q. Other than the Irvington High
9 School Instagram account, are you aware of
10 other school-level accounts, school-level
11 social media accounts for Irvington Public
12 Schools?

13 A. I'm not aware.

14 Q. So no elementary schools or
15 middle schools with social media accounts?

16 MR. INNES: Objection. Asked
17 and answered.

18 THE WITNESS: I'm not aware, I
19 mean, I'm not.

20 BY MR. KARP:

21 Q. Can Irvington Public School
22 student groups have social media accounts?

23 A. They -- after, like, an
24 after-school club or something like that,
25 maybe, yes.

CONFIDENTIAL

Page 151

1 Q. For example, a soccer team or
2 a chamber orchestra?

3 MR. INNES: Objection to form.

4 THE WITNESS: It would be
5 something that would be managed by
6 their sponsor or their teacher or
7 their coach, then yes, they could.

8 BY MR. KARP:

9 Q. Okay. So Irvington Public
10 Schools allows student groups to form or to
11 create social media accounts within certain
12 parameters?

13 MR. INNES: Objection to form.

14 THE WITNESS: Yes.

15 BY MR. KARP:

16 Q. Okay. Are you aware of any
17 social media accounts that Irvington Public
18 Schools groups have?

19 MR. INNES: Objection to form.

20 MR. KARP: Do we need to go
21 off the record?

22 MS. HENRY: No.

23 THE WITNESS: I am not -- I
24 couldn't give you a list of ones,
25 the ones that I mentioned earlier

CONFIDENTIAL

Page 152

1 that posts about information about
2 the happenings at the school. I
3 can speak to that that one, you
4 know, that I've seen that. Would
5 there be ones that might maybe
6 highlight some of our athletic
7 programs, I think maybe there are,
8 but I couldn't with a
9 hundred percent, you know, you
10 know, certify that they have.

11 BY MR. KARP:

12 Q. Understood. You said that
13 there is a -- that there is an account that
14 is used to -- to share information about
15 upcoming events, is that like --

16 A. Like, Irvington High School,
17 Irvington Blue Knights account.

18 Q. Aside from that account, are
19 you aware of any extracurricular student
20 groups or clubs within the district that
21 have social media accounts?

22 A. I am not aware. They could,
23 but I'm not sure.

24 Q. And that would include
25 Facebook, Instagram, SnapChat, TikTok, and

CONFIDENTIAL

Page 153

1 YouTube?

2 A. That they post on those
3 platforms, those clubs, yes, I guess that
4 would be, yes, that would be where they
5 would post, if they exist, if those sites
6 exist.

7 Q. Let me just clarify the
8 question to make sure we're on the same
9 page. You're not aware of any student
10 group in Irvington Public Schools that has
11 its own Facebook account?

12 A. I am not aware.

13 Q. You are not aware of any
14 student group in Irvington Public Schools
15 has its own Instagram account?

16 A. I'm not aware other than the
17 one that I mentioned.

18 Q. Okay. And the Blue Knights
19 is a -- is the mascot of Irvington High
20 School?

21 A. Yes, it is.

22 Q. Okay. And that account is
23 dedicated to promoting sporting or the
24 athletics program --

25 A. It's a myriad --

CONFIDENTIAL

Page 154

1 Q. -- at Irvington High School?

2 A. -- of good things that are
3 going on at the high school.

4 Q. Okay.

5 A. So it could be JROTC. It
6 could be athletics. It could be that they,
7 you know, students winning scholarships.
8 It could be a myriad of things.

9 Q. Okay. Are you aware of
10 student groups at Irvington Public Schools
11 that have a SnapChat account?

12 A. I am not.

13 Q. Are you aware of any student
14 group at Irvington Public Schools that has
15 a TikTok account?

16 A. I am not aware.

17 Q. And are you aware of any
18 student group at Irvington Public Schools
19 that has a YouTube account?

20 A. I am not aware.

21 Q. Going back to the Blue
22 Knights Instagram account, do you know when
23 that was first created?

24 A. The first time I heard of it
25 was probably back in maybe 2019 maybe, 2018

CONFIDENTIAL

Page 155

1 maybe.

2 Q. Do you recall if you were
3 superintendent at the time that you first
4 heard about the Blue Knights Instagram
5 account?

6 A. No, I was not.

7 Q. Okay. You were in your role
8 as a principal?

9 A. No.

10 MR. INNES: Objection to form.

11 THE WITNESS: Oh, sorry, no.

12 BY MR. KARP:

13 Q. Do you recall what role you
14 were in at the time that you heard about
15 the Instagram account?

16 A. Yes.

17 Q. And what was that?

18 A. Assistant super -- assistant
19 superintendent for curriculum and
20 instruction --

21 Q. I skipped a period of time in
22 your résumé, so you recall being assistant
23 superintendent at the time that you learned
24 that that account existed?

25 A. Yes.

CONFIDENTIAL

Page 156

1 Q. Did you have any role in
2 approving the creation of that account?

3 A. No.

4 Q. Do you know who did?

5 A. That would -- approval, who
6 was aware, intimately probably aware or to
7 a degree aware, would probably be Dr. Neely
8 Hackett who was the superintendent, that
9 may have been something to her, maybe Mr.
10 Amberg, because he was the technology
11 director and he would -- there would be a
12 part that he would have to possibly play in
13 that to make sure that it was in compliance
14 with our use of, you know, technology.

15 Q. Do you know anything about --
16 well, strike that.

17 Do you know if there was an
18 approval process for the creation of that
19 Instagram account for Irvington High
20 School?

21 A. I think there may have been a
22 verbal okay by the superintendent, but
23 there wasn't approval, a board resolution
24 or, you know, but I wouldn't know how it
25 exactly transpired --

CONFIDENTIAL

Page 157

1 Q. Sure?

2 A. -- because that would have
3 been between the superintendent and the
4 administration at the high school at the
5 time.

6 Q. And when you say you believe
7 it might have been a verbal okay --

8 A. Uh-huh.

9 Q. -- what is the basis for that
10 belief?

11 A. Because I would just imagine
12 that -- I mean, it could have been in
13 writing, so I guess I shouldn't make that
14 assumption, but it could have been maybe a
15 request and then a conversation and then a
16 rationale through a conversation as to how
17 this would be helpful.

18 There could be some email or
19 something somewhere where there was
20 approval that was gained. I don't want to
21 say that it wasn't. But I would think that
22 as long as, you know, it was explained that
23 you can't do this on here, you can't do
24 that, you can't let students, you know, be
25 the one who have -- who has access to it.

CONFIDENTIAL

Page 158

1 I would think it could be a verbal
2 approval, but I don't know.

3 Q. Sitting here today, do you
4 know who approves the content that is
5 posted on the Irvington High School Blue
6 Knights Instagram account?

7 A. Well, the owner of it would
8 be the one who would be able to control
9 that content.

10 Q. And you do not presently know
11 who the owner is --

12 A. I do not.

13 Q. -- is that what you testified
14 to?

15 A. Yes.

16 Q. Can you tell me generally in
17 what ways Irvington Public Schools uses
18 social media?

19 MR. INNES: Objection to form.

20 THE WITNESS: So as I was
21 explaining with a site like
22 YouTube, it is used to further
23 engage the students maybe in a
24 country that they've never been in,
25 so they may use YouTube to show a

CONFIDENTIAL

Page 159

1 snippet of what it looks like in
2 this country, let's say in Italy,
3 for example, or Japan, but it's
4 something that would have to be
5 tied to curriculum.

6 So if we were doing a
7 lesson, say, a world history
8 lesson on the Shogun or the Edo
9 period of Japan, that would be
10 something that would be very,
11 pardon a pun, foreign to the
12 students. So showing them a
13 snippet of a time period would be
14 something that would make it real
15 to the students and that would be
16 acceptable.

17 But to show, just show a
18 video and just watch endlessly
19 and it doesn't really connect to
20 the content that's trying to be
21 taught would be pointless and it
22 would start to turn into
23 something else. You know, it
24 would be amusement, if you will.
25

CONFIDENTIAL

Page 160

1 BY MR. KARP:

2 Q. Does the district use social
3 media for any other purposes?

4 MR. INNES: Objection to form.

5 THE WITNESS: So to promote
6 events that are happening
7 throughout the district. And
8 actually, as we speak, I think
9 early childhood, for example, comes
10 to mind. So they may have a social
11 media site, now that I'm thinking
12 about it, they may have a social
13 media site and they let parents
14 know when they can come and
15 register their child for pre-K or
16 if they have some kind of health
17 and wellness fair. That would
18 probably be the extent of that.
19 Individual schools, I'm pretty
20 positive they don't, other than the
21 high school.

22 BY MR. KARP:

23 Q. Do you know --

24 A. I'm not a hundred percent
25 sure.

CONFIDENTIAL

Page 161

1 Q. Do you know who owns the --
2 who the account holder is for the early
3 childhood account that you just referred
4 to?

5 A. I'm not sure if it's one of
6 our technology people or if it's the
7 director of early childhood. I'm not sure.

8 Q. Who is the director of early
9 childhood?

10 A. Her name is Tawana Moreland.

11 Q. Fair to say Irvington Public
12 Schools uses social media to share
13 information with the Irvington community?

14 MR. INNES: Objection to form.

15 THE WITNESS: Yes.

16 BY MR. KARP:

17 Q. Let's pull up tab 27, which
18 is a very short video that I suspect you
19 will recognize.

20 A. Uh-huh.

21 - - - - -

22 (Whereupon, a video clip was played.)

23 - - - - -

24 MR. KARP: I think we've lost
25 audio.

CONFIDENTIAL

Page 162

1 THE EXHIBIT TECH: The audio
2 is still going, which is the
3 background noise. I'm not sure why
4 we don't hear her speaking. This
5 is the video file I received
6 though. I can pause it, sorry.

7 MR. KARP: Do you mind
8 pausing?

9 THE EXHIBIT TECH: I know
10 there was a link I received in an
11 email. I can go to that YouTube
12 link and play it from there.

13 MR. KARP: Yes, or -- that
14 works.

15 - - - - -

16 (Whereupon, a video clip was played.)

17 - - - - -

18 THE EXHIBIT TECH: It's the
19 actual video itself, because you
20 can hear the background music
21 playing, so.

22 MR. KARP: It's odd, because
23 I've watched the video on that link
24 and it plays just fine, so I'm not
25 sure what the -- what's causing

CONFIDENTIAL

Page 163

1 it --

2 THE EXHIBIT TECH: Do you want
3 to go off the record and
4 double-check?

5 MR. KARP: Can you just
6 double-check that?

7 MR. INNES: I mean. I don't
8 think we need to go off the record
9 for this. If you guys want to fix
10 it in the back, we can go
11 forward --

12 MR. KARP: I think we're going
13 to go off the record. It's a tech
14 issue, it will take a minute.

15 MR. INNES: I'm objecting to
16 going off the record, but if you
17 need it, go for it.

18 MR. KARP: Yeah, we do. Let's
19 go off the record.

20 THE VIDEOGRAPHER: The time
21 right now is 1:41 p.m. We are off
22 the record.

23 - - - - -

24 (A recess was taken at this time.)

25 - - - - -

CONFIDENTIAL

Page 164

1 THE VIDEOGRAPHER: The time
2 right now is 1:46 p.m. We are back
3 on the record.

4 BY MR. KARP:

5 Q. Dr. Vauss, thank you for
6 bearing with us on some technical issues.
7 We are going to view tab 27 right now.

8 - - - - -

9 (Whereupon, a video clip was played.)

10 - - - - -

11 BY MR. KARP:

12 Q. Dr. Vauss, do you recognize
13 that video?

14 A. I do.

15 Q. Do you recognize the
16 person --

17 A. I do.

18 Q. -- in that video? I'll
19 represent on the Irvington website that
20 video is called, "2020-2021 School
21 Reopening."

22 A. Yes.

23 Q. Does that sound familiar?

24 A. Uh-huh.

25 Q. Do you recall making this

CONFIDENTIAL

Page 165

1 video?

2 A. Yes.

3 Q. And this was in the wake of
4 the -- or strike that.

5 This was during a time when
6 Irvington Public Schools was transitioning
7 to in-person instruction?

8 A. No.

9 Q. No, it was not?

10 A. No.

11 Q. At what point in time did you
12 make this video?

13 A. I made it in September of
14 2020. We still were physically, we were
15 closed, the physical building.

16 Q. Okay. And what was the
17 purpose of creating this video?

18 A. It was to inform parents,
19 one, that while we thank them and continue
20 to partner with them as we go through -- as
21 we went through those unprecedented times,
22 but to inform them that the physical
23 building was not going to be open, that we
24 were going to continue to learn virtually.

25 Q. And one way that you were

CONFIDENTIAL

Page 166

1 able to share information with parents and
2 students and other members of the community
3 was to encourage them to stay abreast of
4 updates using social media, correct?

5 A. Uh-huh. Uh-huh. Yes, I said
6 that, uh-huh.

7 Q. And you recall encouraging
8 them to continuously view social media,
9 correct?

10 A. Yeah.

11 MR. INNES: Objection to form.

12 THE WITNESS: Oh, sorry. Yes.

13 So I know that people go on social
14 media and while we -- I think we
15 used, the videographer used YouTube
16 to post a video and to use it to
17 put on our website, I know people
18 use social media. I wasn't
19 encouraging our scholars to use
20 social media during the school day
21 or when they're virtually learning,
22 but I was encouraging them to look,
23 because people put things on their
24 social media sites and information
25 about schools are closed, schools

CONFIDENTIAL

Page 167

1 are open, but I would say, and I
2 did mention social media, that is
3 true, because I know that that is a
4 tool that people use. But all of
5 our information, our main
6 information was found on our
7 website, so.

8 BY MR. KARP:

9 Q. I understand.

10 A. Okay.

11 Q. Thank you.

12 A. You're welcome. Let's take a
13 look at tab ten. For the record, we're
14 going to mark that video as Exhibit 8.

15 THE EXHIBIT TECH: Eight.

16 - - - - -

17 (Video Clip marked Vauss
18 Exhibit 8 for identification.)

19 - - - - -

20 BY MR. KARP:

21 Q. Tab ten will be Exhibit 9 for
22 the record, this is Bates starting
23 BW__Irvington00068487.

24 Dr. Vauss, this is the
25 "Irvington Public Schools: Emergency

CONFIDENTIAL

Page 168

1 Virtual or Remote Instruction Programs for
2 the 2023-2024 School Year."

3 Do you see that?

4 A. Yes.

5 - - - - -

6 (Irvington Public Schools:
7 Emergency Virtual or Remote
8 Instruction Programs for the
9 2023-2024 School Year Bates
10 BW__Irvington00068487 to 00068515
11 marked Vauss Exhibit 9 for
12 identification.)

13 - - - - -

14 BY MR. KARP:

15 Q. Your name is at the bottom of
16 the cover page --

17 A. Uh-huh.

18 Q. -- and you're identified as
19 the superintendent of schools?

20 A. Yes.

21 Q. Okay. Have you seen this
22 document before?

23 A. Yes.

24 Q. What is this document?

25 A. It is our state-mandated

CONFIDENTIAL

Page 169

1 emergency virtual remote instruction
2 program for the 2023-24 school year.

3 Q. Okay. Let's turn to page 15.
4 There's a section on page 15 titled,
5 "Virtual/Remote Professional Development."

6 Do you see that?

7 A. Yes, uh-huh.

8 Q. To the best of your
9 recollection, what information is contained
10 in this section of the policy?

11 MR. INNES: Objection to form.

12 THE WITNESS: So can I look --

13 BY MR. KARP:

14 Q. You can review, sure.

15 A. -- closer. So at just quick
16 glance for the first couple of pages, it
17 talks about our professional development
18 that we offer, it's going to be offered
19 virtually, remote professional development.
20 And the first talks about the restorative
21 support, professional learning offerings
22 for trauma, equity, diversity and implicit
23 bias, social emotional learning, inclusion,
24 and the appropriate use of digital and
25 online learning tools and systems.

CONFIDENTIAL

Page 170

1 Q. Do you see on page 17,
2 there's a section called, "Parental
3 Services"?

4 A. Uh-huh.

5 Q. If I'm going to read from the
6 second bullet.

7 A. Okay.

8 Q. "Numerous and varied means
9 will be used to inform parents of District
10 information and assistance that are
11 available. We will continue to keep
12 parents and the community informed by
13 utilizing social media platforms such as
14 YouTube, Twitter, and Facebook. Teachers
15 should readily use Google Classroom to
16 include parents and use the options
17 available through Class Dojo and OnCourse
18 teacher web pages for communicating
19 directly with families."

20 Do you see that?

21 A. Yes, uh-huh.

22 Q. At this point in time, did
23 Irvington Public Schools have a Facebook
24 account?

25 A. I'm not aware that Irvington

CONFIDENTIAL

Page 171

1 Public Schools has one. I knew of Twitter.
2 I did know of YouTube, but even seeing that
3 we made the video through YouTube, as I was
4 saying earlier, if you have to have an
5 account to use it, then yes, then we do. I
6 wasn't aware. I do -- I've seen the
7 Twitter back in the day and Facebook, I'm
8 not sure.

9 Q. When you say you saw the
10 Twitter back in the day, what do you mean
11 by that?

12 A. Meaning that --

13 MR. INNES: Objection to form.

14 THE WITNESS: Oh, sorry. So I
15 know that the Twitter account that
16 it was information placed on
17 Twitter of just for, I think, it
18 was like some athletic account, but
19 I wasn't superintendent at the time
20 when I saw that. I think it was --
21 that may have been managed by our
22 superintendent or her designee, but
23 I know she was aware of it.

24 BY MR. KARP:

25 Q. Does Irvington Public Schools

CONFIDENTIAL

Page 172

1 presently have a Twitter account?

2 MR. INNES: Objection to form.

3 THE WITNESS: I don't know
4 that there's an active one, I
5 couldn't say. I mean, I imagine
6 unless they closed it, then it
7 would still be in existence, but
8 actively using it, I don't believe
9 so, not sanctioned, not by myself,
10 it wouldn't be sanctioned.

11 BY MR. KARP:

12 Q. Okay. Did you review this
13 policy before it was approved?

14 A. I looked over it, yes. Am I
15 intimately familiar with every nuance,
16 maybe I was at one point, but I would say,
17 no, because to be honest, I give certain
18 duties to my designees. So did I look over
19 it, yes. With iron, you know, razor focus
20 on certain things, no, not this particular
21 one.

22 Q. Ultimately, you did approve
23 this?

24 A. Yes. Yes, that is correct.

25 Q. You refer to delegating to

CONFIDENTIAL

Page 173

1 your designees?

2 A. Yes.

3 Q. For this section on parental
4 services, do you know who that individual
5 would have been?

6 A. It probably would be, it was
7 something to do with technology and
8 servicing our parents in that way would
9 probably be Mr. Amberg, I would say, or it
10 may be Dr. Adeboyega, because they, he puts
11 it together, I look over it, I add, take
12 away, delete, things like that.

13 Q. Understood. Okay. You can
14 put this to the side. We're going to shift
15 gears a little bit, Dr. Vauss. Am I
16 correct that every year Irvington Public
17 Schools prepares annual school reports that
18 it submits to the New Jersey Department of
19 Education?

20 MR. INNES: Objection to form.

21 THE WITNESS: Yes.

22 BY MR. KARP:

23 Q. If I use -- if I say, "New
24 Jersey DOE," do you understand that I'm
25 referring to the department of education?

CONFIDENTIAL

Page 174

1 A. Yes.

2 Q. Okay. The New Jersey
3 Department of Education compiles the school
4 planning documents that are assembled by
5 Irvington Public Schools and then issues
6 both the school- and district-level
7 performance reports; is that right?

8 MR. INNES: Objection to form.

9 THE WITNESS: Yes.

10 BY MR. KARP:

11 Q. Okay.

12 A. But as a point of
13 clarification, performance reports aren't
14 based on your annual school plan, so to
15 speak, not for every school location.

16 Q. Sure. Can you help me
17 understand that a little bit better?

18 A. So there may be certain
19 benchmarks that if your school that may be
20 in status, they may need to meet those, but
21 schools in general have goals that they
22 want to meet, but they're not outlined by a
23 state as far as performance.

24 Q. Okay. The New Jersey
25 Department of Education on an annual basis

CONFIDENTIAL

Page 175

1 will issue district and school-level
2 performance reports for Irvington Public
3 Schools; is that correct?

4 A. Yes, that is correct.

5 Q. I'm handing you tab 11, which
6 we will mark as Exhibit 10.

7 Do you recognize this
8 document?

9 A. Yes.

10 - - - - -

11 (IPS Performance Report
12 2023-2024 marked Vauss Exhibit 10
13 for identification.)

14 - - - - -

15 BY MR. KARP:

16 Q. Have you seen it before?

17 A. Yes.

18 Q. What is this document?

19 A. It is our performance report
20 from the state of New Jersey.

21 Q. And this relates to the
22 2023-2024 school year?

23 A. That is correct.

24 Q. Am I correct that this
25 performance report is available online?

CONFIDENTIAL

Page 176

1 A. Yes.

2 Q. Okay. If I went to the
3 website for the New Jersey Department of
4 Education, I could pull this report and
5 similar reports for other years, correct?

6 MR. INNES: Objection to form.

7 THE WITNESS: Yes. Sorry.

8 MR. INNES: It's tough.

9 BY MR. KARP:

10 Q. I'm going to hand you tab 12,
11 which we'll mark as Exhibit 11. And I'll
12 represent to you, Dr. Vauss, that this is a
13 section of the performance report focused
14 on enrollment data.

15 Do you see that?

16 A. Yes.

17 - - - - -

18 (IPS Performance Report
19 2023-2024 for Enrollment data
20 marked Vauss Exhibit 11 for
21 identification.)

22 - - - - -

23 BY MR. KARP:

24 Q. Let's take a look at
25 enrollment by student group and that table

CONFIDENTIAL

Page 177

1 begins at the bottom of the first page and
2 continues onto the second page?

3 A. Uh-huh.

4 Q. And according to this report,
5 this table shows the percentage of students
6 by student group for the past three school
7 years.

8 Do you see that?

9 A. Yes.

10 Q. If you look at page 2,
11 there's a line in this table for
12 economically disadvantaged students.

13 Do you see that?

14 A. Yes.

15 Q. And it's hard to see here
16 with the page break, but this table is
17 intended to reflect the last three school
18 years, correct?

19 A. Yes.

20 Q. And is it your understanding
21 then that the rightmost column here would
22 be 2023-2024?

23 A. Yes.

24 Q. And then immediately to the
25 left would be the 2022-2023 school year?

CONFIDENTIAL

Page 178

1 A. Yes.

2 Q. And then continuing on one
3 more to the left, that column would include
4 data for the 2021 to 2022 school year,
5 correct?

6 A. Yes.

7 Q. And what we see in this table
8 is an increase in the percentage of
9 economically disadvantaged students at
10 Irvington Public Schools between 2021 and
11 2024, do you agree?

12 A. No. I would say what you see
13 is between the years -- the inception year
14 on this data to the last year, you see more
15 students and more scholars, more families
16 filling out the lunch forms.

17 Q. I see.

18 A. Not an increase of
19 economically disadvantaged students, but
20 more students who have participated in
21 filling out an application.

22 Q. Is it your understanding then
23 that in 2021-2022, the percentage would be
24 approximately the same as the data for
25 2022-2023 and 2023-2024?

CONFIDENTIAL

Page 179

1 A. That would be my guess.

2 Q. In 2020 -- excuse me, strike
3 that.

4 During the 2023-2024 school
5 year, the percentage of economically
6 disadvantaged students that the New Jersey
7 Department of Education reported for
8 Irvington Public Schools was 64 percent.

9 Do you see that?

10 A. Yes, I see it.

11 Q. And is it your understanding
12 that that number is relatively stable for
13 the prior two years as well?

14 A. Yes.

15 Q. Okay. Let's look also at the
16 line for multilingual learners, which is
17 two rows down.

18 Do you see that?

19 A. Yes, uh-huh.

20 Q. And am I correct that
21 multilingual learners is another way to
22 refer to ELL students or English language
23 learners?

24 A. Yes.

25 Q. And those two are fairly

CONFIDENTIAL

Page 180

1 synonymous, those two terms?

2 MR. INNES: Objection to form.

3 THE WITNESS: I would say that
4 there are more students who are
5 identified in the 23-24 school year
6 that speak more than one language.
7 But they don't -- they don't
8 necessarily fall into the category
9 that you earlier described.

10 BY MR. KARP:

11 Q. Okay. My understanding of
12 English language learners is that those are
13 individuals whose primary language or first
14 language is not English; is that your
15 understanding?

16 A. Sometimes, yes.

17 Q. Okay.

18 A. Sometimes. Sometimes, those
19 students speak another language other than
20 English. They may be learning it
21 simultaneously. It may be their second
22 language, but they may not be English
23 language learners, because they may already
24 know English as well as other languages.

25 Q. I see, okay. And here, the

CONFIDENTIAL

Page 181

1 New Jersey Department of Education reports
2 that during the 2021-2022 school year,
3 there were 26.9 percent -- or excuse me
4 26.9 percent of IPS students were
5 multilingual learners; is that correct?

6 A. That's how it is identified.

7 Q. And that number goes up in
8 the following year to 31.1 percent?

9 A. Yes, uh-huh.

10 Q. And for the 2023-2024 school
11 year, that number jumps to 38.6 percent; is
12 that correct?

13 A. Yes.

14 Q. Okay. Would you agree with
15 me that the number of multilingual learners
16 at IPS has increased since the 2021-2022
17 school year?

18 MR. INNES: Objection to form.

19 THE WITNESS: Yes.

20 BY MR. KARP:

21 Q. Is it fair to say that
22 language barriers can have a negative
23 impact on a student's academic performance?

24 A. Can you explain your
25 question?

CONFIDENTIAL

Page 182

1 Q. If a student isn't able to
2 access the information that's being taught
3 because of a language barrier, that would
4 have a negative effect on that student's
5 academic performance?

6 MR. INNES: Objection to form.

7 THE WITNESS: I would say yes,
8 uh-huh.

9 BY MR. KARP:

10 Q. Okay. Do you agree that
11 language barriers can sometimes make a
12 student feel isolated or alone?

13 A. Yes.

14 Q. Language barriers and also
15 culture barriers can lead a student to feel
16 different?

17 A. Yes, if that is -- if that
18 happens, yes, then that would -- that might
19 make them feel isolated.

20 Q. Yeah. And is it fair to say
21 that language barriers could lead a student
22 to feel like he or she doesn't belong?

23 MR. INNES: Objection to form.

24 THE WITNESS: I would say no,
25 only from my own personal

CONFIDENTIAL

Page 183

1 experience in having lived in
2 another country, I didn't feel like
3 I didn't belong and I was pretty
4 young, I just felt like I needed --
5 sometimes I probably missed out on
6 something that was being said or a
7 joke, but I wouldn't say I didn't
8 feel -- especially if you use
9 Irvington Public Schools, there are
10 so many students who have the
11 reality of knowing another language
12 and they're multiple, multiple
13 cultures in our community.
14 Honestly speaking, and having been
15 the principal of probably the most
16 diverse school in the district,
17 that's not -- that wasn't the sense
18 that I've gotten in Irvington
19 Public Schools, just to be honest.

20 BY MR. KARP:

21 Q. Understood. Let's look down
22 at the next table, which is, "Enrollment by
23 Racial and Ethnic Group."

24 Do you see that?

25 A. Yes.

CONFIDENTIAL

Page 184

1 Q. For the 2023-2024 school
2 year, the New Jersey Department of
3 Education reported that 0.3 percent of
4 students at IPS were white; is that
5 correct?

6 A. I believe so, yes, uh-huh.

7 Q. They also reported that
8 31.8 percent of IPS students during this
9 school year were Hispanic?

10 A. Yes.

11 Q. And just below that, you'll
12 see that the department of education
13 reported that 67.1 percent of students at
14 IPS during this school year were black or
15 African American, correct?

16 A. Yes.

17 Q. And if we look across the
18 columns here, is it fair to say that those
19 numbers remain relatively stable for the
20 three years that are reported here?

21 A. Yes.

22 Q. There's also a table called,
23 "Enrollment by Home Language" on the next
24 page and there's a bar graph there.

25 A. Uh-huh.

CONFIDENTIAL

Page 185

1 Q. And this table shows the
2 percentage of students by primary home
3 language.

4 Do you see that?

5 A. Yes.

6 Q. Okay. 43.1 percent of
7 students are reported as having English as
8 their primary home language during the
9 2023-2024 school year, correct?

10 A. Yes.

11 Q. That means that approximately
12 57 percent of students reported having a
13 language other than English as their
14 primary home language during this school
15 year, correct?

16 A. Yes. And just, although it's
17 not registered on here, you may want to
18 just really do a deep dive into the data,
19 because then you would understand that
20 while their home language is these other
21 languages, how many are proficient, how
22 many received the syllabi literacy. Our
23 numbers probably are comparable to any
24 place in the state if it doesn't exceed,
25 because while they do speak other

CONFIDENTIAL

Page 186

1 languages, we pride ours in the advancement
2 of our students learning English. So I
3 don't know this tells the whole story, but
4 it tells the story the state wants to tell.

5 Q. Understood, and I just wanted
6 to understand what was being reported and
7 whether you understood it to be true.

8 A. Yes.

9 Q. And you do understand this
10 data as it's reported by the department of
11 education to be accurate?

12 A. Yes, uh-huh.

13 Q. I'm going to hand you tab 13.
14 We'll mark this as Exhibit 12. And I'll
15 represent that this is another section of
16 the performance report for Irvington Public
17 Schools during the 2023-2024 academic year
18 focused on chronic absenteeism.

19 Do you see that?

20 A. Yes.

21 - - - - -

22 (IPS Performance Report
23 2023-2024 for Chronic Absenteeism
24 marked Vauss Exhibit 12 for
25 identification.)

CONFIDENTIAL

Page 187

1 - - - - -

2 BY MR. KARP:

3 Q. The first table in this
4 document is called, "Chronic Absenteeism
5 Trends."

6 Do you see that?

7 A. Yes, uh-huh.

8 Q. And the first line in this
9 table is for chronic absenteeism rate.

10 Do you see that?

11 A. Yes.

12 Q. Okay. And according to the
13 data reported here by the New Jersey
14 Department of Education in the 2021-2022
15 school year, the chronic absenteeism rate
16 was 31.1 percent?

17 A. Yes.

18 Q. The ESSA target for that year
19 was 18.1 percent, correct?

20 A. Yes, uh-huh.

21 Q. And does the ESSA target
22 reflect the statewide average for chronic
23 absenteeism?

24 A. Yes, that's what it says,
25 state average for grades served.

CONFIDENTIAL

Page 188

1 Q. So in this particular year of
2 2021-2022, the chronic absenteeism rate at
3 Irvington Public Schools was approximately
4 12 or 13 percent higher than the state
5 average --

6 A. Uh-huh.

7 Q. -- is that right?

8 A. Yes.

9 Q. Let's look at the next year,
10 which is the 2022-2023 school year.

11 A. Uh-huh.

12 Q. The chronic absenteeism rate
13 at Irvington Public Schools was
14 21.9 percent?

15 A. Yes.

16 Q. The ESSA target reflecting
17 the statewide average was 16.6 percent,
18 correct?

19 A. Yes.

20 Q. So, once again, Irvington
21 Public Schools had a higher chronic
22 absenteeism rate than the rest of the
23 state?

24 A. Yes. And if we did a deep
25 dive into the data, you would see that the

CONFIDENTIAL

Page 189

1 disproportionate number of chronic
2 absenteeism or as we call it now, school
3 avoidance rates, would be at the secondary
4 levels. And that's where we've seen the
5 students who have been nonstop, I would
6 say, addicted to their social media. To
7 just put these numbers and say Irvington
8 Public Schools is not -- it's not a true
9 story. I mean, obviously, the state just
10 gathers the data and they put it together,
11 but if you were to break it down and look
12 at individual-type schools, a school like
13 Florence Avenue would have a significantly
14 lower rate than the state average. But if
15 you add in our secondary schools, then you
16 see the percentage increases significantly.

17 Q. And sitting here today,
18 Dr. Vauss, do you have an understanding of
19 how students at other secondary schools
20 around the state do or do not use social
21 media?

22 MR. INNES: Objection to form.

23 THE WITNESS: I don't, I
24 don't.

25

CONFIDENTIAL

Page 190

1 BY MR. KARP:

2 Q. Do you know if -- how many
3 schools in the state have banned cell
4 phones altogether?

5 MR. INNES: Objection to form.

6 THE WITNESS: I don't. All I
7 know, all I can speak to is my
8 community where I live where I have
9 been for the last 21 years, because
10 we try our best to do the things
11 that we know will, you know, work
12 for our community, but we also have
13 to hone in on the things that kind
14 of take away from the progress and
15 the things that we're trying to do.
16 You know, something that is an
17 interference into what we're trying
18 to do.

19 And if you look at the data,
20 you know, especially these years,
21 these are probably some -- these
22 are terrible numbers, but we have
23 a good idea of why our numbers
24 are that way and when you
25 extrapolate elementary schools,

CONFIDENTIAL

Page 191

1 they look like one thing and when
2 you look at the secondary
3 schools, it looks like something
4 entirely different.

5 BY MR. KARP:

6 Q. Understood. Sitting here
7 today, do you have an understanding of
8 whether Irvington Public Schools students
9 use social media more than students at any
10 other school in the state?

11 MR. INNES: Objection to form.

12 THE WITNESS: No, I don't.

13 BY MR. KARP:

14 Q. For the 2023-2024 school
15 year, the chronic absenteeism rate
16 indicated is 21.5 percent.

17 Do you see that?

18 A. I do.

19 Q. And the statewide average for
20 that year was 14.9 percent?

21 A. I see that. I mean, back to
22 your question about how we compare to other
23 communities and their usage, I'm not aware,
24 but I hope that they don't use it as much
25 as our scholars do on an ongoing, nonstop

CONFIDENTIAL

Page 192

1 basis throughout the school day. When they
2 go home, when they get up in the morning, I
3 hope they don't, but I know that, you know,
4 students have some similarities, but I know
5 what our students tend to do here in
6 Irvington Public Schools and, you know,
7 that's really the only thing I can speak
8 to.

9 Q. I understand. If we look
10 above this table, we see a definition for
11 chronic absenteeism.

12 Do you see that?

13 A. Which page?

14 Q. On page 1.

15 A. Oh, on page 1, okay.

16 Q. Just above the table. The
17 report says, "Chronic absenteeism is
18 defined as being absent for 10 percent or
19 more of the days enrolled during the school
20 year."

21 Do you see that?

22 A. Uh-huh.

23 Q. And today you used the term,
24 "school avoidance"?

25 A. Yes, that's a new term

CONFIDENTIAL

Page 193

1 throughout the state, school avoidance.

2 Q. Okay.

3 A. Because what has been
4 noticed, a trend that I know was, you know,
5 discussed in a superintendent's meeting or
6 what have you, is that school avoidance is
7 happening through other municipalities,
8 other places, you know, and the term now,
9 as opposed to chronic absenteeism, it says
10 students are avoiding school, and so school
11 avoidance rates.

12 Q. Understand. I understand.
13 During your time as superintendent for
14 Irvington Public Schools, has it been a
15 priority to reduce chronic absenteeism or
16 school avoidance?

17 A. I would say for my whole
18 entire career that we would -- we never
19 want to have chronic absenteeism. So if
20 students, at a teacher level, we see a
21 student not coming to school, we call their
22 parents. We miss Johnny, we miss April,
23 you know, what's going on. As an
24 administrator, central office, at all
25 levels, yes, we always, you want to fight

CONFIDENTIAL

Page 194

1 against that.

2 Q. And why is it important for
3 students to be in school?

4 A. So that they can get a
5 quality education so that they can be
6 educated.

7 Q. The school can provide a
8 support network for the student as well?

9 A. A what?

10 Q. Support network.

11 A. Yes, yeah.

12 Q. There are resources available
13 to students when they are physically
14 present at school that may not be available
15 to them if they are avoiding class or
16 outside of school?

17 MR. INNES: Objection to form.

18 THE WITNESS: We try to -- we
19 try to provide support for the
20 whole children, so part of the
21 whole is in school and outside of
22 school. So there are supports in
23 and out of school.

24 BY MR. KARP:

25 Q. That makes sense. In your

CONFIDENTIAL

Page 195

1 experience, does chronic absenteeism lead
2 students to fall behind, academically,
3 their peers who are attending class?

4 A. Yes, it can.

5 Q. And can chronic absenteeism
6 also lead to behavioral challenges with
7 students?

8 MR. INNES: Objection to form.

9 THE WITNESS: Can you clarify
10 what -- what you mean?

11 BY MR. KARP:

12 Q. Perhaps a student who isn't
13 in class or in school regularly is
14 having -- having a problem or struggling to
15 integrate and feel a part of the community.

16 MR. INNES: Objection to form.

17 THE WITNESS: I'm not sure,
18 but if you're talking about if a
19 student is in class and they don't
20 understand what may be going on for
21 a plethora of reasons, it can cause
22 them to become frustrated, it
23 could, but I wouldn't necessarily
24 say it's this one thing versus
25 another.

CONFIDENTIAL

Page 196

1 BY MR. KARP:

2 Q. Understood. And I'm just
3 trying to understand the effects of chronic
4 absenteeism.

5 A. Yes.

6 Q. I think you've explained some
7 of them.

8 A. Yes.

9 Q. So I appreciate that. Let's
10 take a look at the -- at another document.
11 This is tab 14. And we'll mark this as
12 Exhibit 13.

13 Dr. Vauss, this is a section
14 of the Irvington Public Schools performance
15 reports that focuses on academic
16 performance.

17 Do you see that?

18 A. Yes.

19 - - - - -

20 (IPS Performance Report
21 2023-2024 for Academic
22 Performance marked Vauss Exhibit
23 13 for identification.)

24 - - - - -

25

CONFIDENTIAL

Page 197

1 BY MR. KARP:

2 Q. And this also relates to the
3 2023-2024 school year.

4 Do you see that?

5 A. Yes.

6 Q. I'm going to ask you to turn
7 to page 22. The table toward the top of
8 the page is called, "English Language
9 Proficiency Test, Participation and
10 Performance."

11 Do you see that?

12 A. Uh-huh.

13 Q. "This table shows, by years
14 and district, the number of multilingual
15 students taking the ACCESS for ELLs
16 Assessment for English language proficiency
17 and the number and percentage of students
18 who received an overall school of 4.5 or
19 above. Students must receive a score of
20 4.5 or higher to be considered for
21 proficient status."

22 Do you see that?

23 A. Yes.

24 Q. Okay. What is the ACCESS for
25 ELLs Assessment for English language

CONFIDENTIAL

Page 198

1 proficiency?

2 A. It is a test that we give to
3 our students who are multilingual learners
4 to assess their growth in the English
5 language.

6 Q. Is this a state-mandated test
7 or is this a test that Irvington Public
8 Schools offers on its own?

9 A. It is a standardized test.

10 Q. Okay. I apologize, for some
11 odd reason, the document didn't print with
12 column headings. We can stay on the
13 record. We're just going to sort that out
14 real quick.

15 MR. INNES: It's hard to read
16 the lines across the table, so are
17 you going to project this up on
18 the --

19 MR. KARP: On the screen.

20 MR. INNES: Can we make sure
21 that Dr. Vauss is able to scroll
22 through the document?

23 MR. KARP: Sure.

24 MR. INNES: Because at this
25 point, what we have in front of us

CONFIDENTIAL

Page 199

1 isn't actually an exhibit, right,
2 you'll retract this one?

3 MR. KARP: I think that's
4 fair, yes.

5 Are we good to go, TJ?

6 Thank you.

7 BY MR. KARP:

8 Q. Dr. Vauss, apologies for the
9 technical issue. If at any point you need
10 to see surrounding data, please let me
11 know. But just to reorient us, we're
12 looking at a table called, "English
13 Language Proficiency Test - Participation
14 and Performance." And, "This table shows,
15 by years in district, the number of
16 multilingual learner students taking the
17 ACCESS for ELLs Assessment for English
18 language proficiency and the number and
19 percentage of students who tested -- excuse
20 me -- students tested who received an
21 overall school of 4.5 or above. Students
22 must receive a score of 4.5 or higher to be
23 considered for proficiency status."

24 Do you see that?

25 A. Yes.

CONFIDENTIAL

Page 200

1 Q. And if we look at the middle
2 column called, "percentage students with
3 overall score below 4.5," we see that for
4 students who have been in the district for
5 between zero and two years, that number is
6 greater than 90 percent.

7 Do you see that?

8 A. Yes.

9 Q. So more than -- for students
10 who have been at Irvington Public Schools
11 between zero and two years, more than
12 90 percent of them did not achieve
13 proficient status, correct?

14 A. Yes.

15 Q. And that number is the same
16 for students who have been at the district
17 between three and four years, correct?

18 A. According to this, yes.

19 Q. And for students who have
20 been with the district for five or more
21 years, correct?

22 A. Uh-huh, yes.

23 Q. So for all three of these
24 categories, more than 90 percent of the
25 students who took this exam did not

CONFIDENTIAL

Page 201

1 demonstrate proficiency in English language
2 arts, correct?

3 A. Yes.

4 Q. Okay. We can put this to the
5 side.

6 A. And I would, I would just add
7 to my answer that, you know, we have a lot
8 of work to do and it is very difficult to
9 do that work when we have students who are
10 on social media nonstop, and they're not on
11 a site that is helping them learn the
12 English language, but to distract them from
13 learning and becoming proficient in the
14 English language. It is very
15 disheartening, you know, when I see what
16 we're up against and the impediments to
17 that.

18 Q. I understand. I'm going to
19 hand you tab 14A. We will mark this as
20 Exhibit 14.

21 MR. INNES: Just want a
22 clarification for the record, what
23 is Exhibit 13?

24 MR. KARP: That's fair --
25 that's a fair question. Exhibit 13

CONFIDENTIAL

Page 202

1 is the excerpt of the school
2 performance report that we just
3 looked at for multilingual learners
4 and their performance on the ACCESS
5 exam.

6 MR. INNES: Understood. And
7 you guys will just provide that, a
8 clip of that to the reporter?

9 MR. KARP: We will.

10 MR. INNES: Great. Thank you.

11 BY MR. KARP:

12 Q. Dr. Vauss, Exhibit 14 says,
13 "NJSLA Science Assessment: Grade 5
14 Summary" at the top.

15 A. Yes.

16 - - - - -

17 (NJSLA Science Assessment:
18 Grade 5 Summary marked Vauss
19 Exhibit 14 for identification.)

20 - - - - -

21 BY MR. KARP:

22 Q. Do you know what this data
23 refers to?

24 A. It is the scores, a summary
25 of the scores for the NJSLA science

CONFIDENTIAL

Page 203

1 assessment.

2 Q. And is that a standardized
3 test in science that fifth grade students
4 at IPS need to take?

5 A. Yes, uh-huh.

6 Q. If we look at these numbers
7 starting in 2021-2022, and if we use the
8 color scheme on the left to help us, we see
9 that 67 percent of students during this
10 school year achieved level one?

11 A. Yes.

12 Q. And 26 percent of students
13 during the 2021-2022 school year achieved
14 level two?

15 A. (Nodding).

16 Q. And according to the
17 explanation at the top, "This table shows
18 how students performed on the NJSLA Science
19 assessment. Students scoring at Level 3 or
20 4 are considered proficient."

21 Did I read that correctly?

22 A. Yes.

23 Q. So students who have achieved
24 a level two or a level one have not
25 achieved proficiency; is that correct?

CONFIDENTIAL

Page 204

1 A. Yes.

2 Q. So for the 2021-2022 school
3 year, approximately 93 percent of fifth
4 graders who took this science assessment
5 did not achieve proficiency; is that
6 correct?

7 A. Yes.

8 Q. And the numbers appear to be
9 the same for the following year, which is
10 2022-2023.

11 Do you see that?

12 A. Yes.

13 Q. So during that year,
14 approximately 93 percent of students in the
15 fifth grade who took this exam did not
16 achieve proficiency, correct?

17 A. Yes.

18 Q. And the number goes up just
19 barely in the following year, which is
20 2023-2024, where 94 percent of fifth
21 graders who took this assessment did not
22 achieve proficiency, correct?

23 A. Yes.

24 Q. Do you know if these numbers
25 are roughly the same for other grade levels

CONFIDENTIAL

Page 205

1 who also took the science assessment?

2 A. The science, yes.

3 Q. Okay. So these numbers are
4 roughly the same for, is it eighth graders
5 who also take this exam?

6 A. I believe so.

7 Q. And for 11th graders as well?

8 A. That, I'm not 100 percent
9 sure. If you have it, it would be good to
10 see it.

11 Q. Sure.

12 A. If you have it.

13 Q. I thought you would never
14 ask, Dr. Vauss. I'm handing you tab 14B.

15 Before we get to the 11th
16 grade data, we'll just take a quick look at
17 the eighth grade data. And if I failed to
18 mention this, we'll mark this as
19 Exhibit 15.

20 So for eighth graders in
21 2021-2022, approximately 100 percent of
22 students did not achieve proficiency on
23 this science assessment; is that right?

24 A. Yes.

25 - - - - -

CONFIDENTIAL

Page 206

1 (NJSLA Science Assessment:
2 Grade 8 Summary marked Vauss
3 Exhibit 15 for identification.)

4 - - - - -

5 BY MR. KARP:

6 Q. Okay. And in the following
7 year, it is roughly 97 percent?

8 A. Yes.

9 Q. And in the next year, which
10 is 2023-2024, roughly 99 percent of eighth
11 graders did not achieve proficiency,
12 correct?

13 A. Yes, uh-huh.

14 Q. I'm going to hand you tab
15 14C, which is the data you asked for
16 regarding 11th grade performance. We'll
17 mark this as Exhibit 16.

18 - - - - -

19 (NJSLA Science Assessment:
20 Grade 11 Summary marked Vauss
21 Exhibit 16 for identification.)

22 - - - - -

23 BY MR. KARP:

24 Q. According to this data,
25 during the 2021-2022 school year,

CONFIDENTIAL

Page 207

1 approximately 95 percent of 11th graders
2 did not achieve proficiency on this science
3 assessment, correct?

4 A. Yes.

5 Q. And during the 2022-2023
6 school year, approximately 96 percent of
7 students did not achieve proficiency?

8 A. Yes.

9 Q. And finally during the
10 2023-2024 school year, approximately
11 94 percent of students did not achieve
12 proficiency.

13 Do you see that?

14 A. Yes, uh-huh.

15 Q. Sometimes the numbers don't
16 perfectly add up to 100.

17 A. Uh-huh.

18 Q. Okay. You can put this to
19 the side.

20 MR. INNES: Do you need a
21 break or are you good?

22 THE WITNESS: No, I'm fine.

23 MR. KARP: I'm about to start
24 a new line of questioning, if you
25 wanted to take a break, otherwise,

CONFIDENTIAL

Page 208

1 we can proceed.

2 MS. HENRY: Actually, let's
3 take a break, like, five minutes.

4 MR. KARP: Sure. Let's go off
5 the record.

6 THE VIDEOGRAPHER: The time
7 right now is 2:41 p.m. We are off
8 the record.

9 - - - - -

10 (A recess was taken at this time.)

11 - - - - -

12 THE VIDEOGRAPHER: The time
13 right now is 3:00 p.m. We are back
14 on the record.

15 BY MR. KARP:

16 Q. Dr. Vauss, welcome back.

17 A. Thank you.

18 Q. Let's talk a little bit about
19 the COVID-19 pandemic. You were
20 superintendent during the COVID-19 pandemic
21 or at least a portion of it, correct?

22 A. Yes.

23 Q. What was that experience like
24 for you?

25 A. It was, I actually started

CONFIDENTIAL

Page 209

1 April the 20th, 2020, that was my first
2 interim superintendent. It was -- it was
3 filled with challenges, making sure that
4 students had access to technology while at
5 the same time, as time evolved, making sure
6 that that technology was being used
7 appropriately. It was, it was a tough
8 time, because as was happening all over the
9 country, there were people dying and that
10 was tough.

11 Q. You would agree that the
12 pandemic caused stress for millions of
13 people, correct?

14 MR. INNES: Objection to form.

15 THE WITNESS: I would imagine
16 so, yes.

17 BY MR. KARP:

18 Q. And IPS students would be
19 among the people who were negatively
20 impacted by the COVID-19 pandemic, correct?

21 A. Yes, I would say. I think
22 especially them being isolated and having
23 their outlet be social media and using it
24 nonstop, growing an attachment and dare I
25 say an addiction to its use nonstop and,

CONFIDENTIAL

Page 210

1 you know, almost like there was a format
2 that was geared towards students who we
3 know are at home and not in school or
4 somewhere else where we can at least try to
5 stop them from getting distracted.

6 Q. You mentioned earlier that
7 during the COVID-19 pandemic, people were
8 dying, correct?

9 A. That is -- that is true.

10 Q. It was a scary time for IPS
11 students?

12 A. I think it was a scary time
13 for the world.

14 Q. Of course.

15 A. I think it was across the
16 world, yeah, it was.

17 Q. IPS might have been afraid of
18 getting COVID-19 themselves, right?

19 A. I think everyone was afraid
20 of getting COVID. I think everyone was
21 afraid.

22 Q. Sure. Including IPS
23 students?

24 A. Yeah, including them.

25 Q. IPS students might have been

CONFIDENTIAL

Page 211

1 afraid that loved ones would get COVID and
2 potentially get sick or even die, correct?

3 A. To be correct, everyone in
4 the world was afraid, I think, and so that
5 would include Irvington Public School
6 students, but, you know, I can't quantify
7 their fear more than any other place or
8 even, you know, so.

9 Q. I understand. You mentioned
10 that Irvington Public School students felt
11 isolated during the pandemic?

12 A. I think everyone that could
13 not go to school, so you have March 16th
14 and schools closed across the United States
15 of America. And students couldn't interact
16 with their teachers, you know, or their
17 friends. So, did our school students, were
18 our students exempt from that, that
19 feeling, no, they weren't.

20 Q. I understand. I'm going to
21 hand you tab 15 and we will mark this as
22 Exhibit 17.

23 A. Thank you.

24 Q. For the record, this is Bates
25 number starting BW__Irvington00188208.

CONFIDENTIAL

Page 212

1 A. Uh-huh.

2 - - - - -

3 (Email dated 6/3/20 Bates
4 BW__Irvington00188208 marked
5 Vauss Exhibit 17 for
6 identification.)

7 - - - - -

8 BY MR. KARP:

9 Q. Dr. Vauss, this is a June 3,
10 2020, email.

11 Do you see that?

12 A. Yes.

13 Q. It's from Karla Rivera to
14 you?

15 A. Uh-huh.

16 Q. Ms. Rivera wrote, "Good
17 morning. I've written a very general
18 description of the potential program. Many
19 specifics we would need to figure out
20 together such as specific roles, schools,
21 et cetera. Let me know your thoughts."

22 Do you see that?

23 A. Yes.

24 Q. Do you recognize this email?

25 A. I see my email address and I

CONFIDENTIAL

Page 213

1 do know Dr. Rivera, so yes.

2 Q. And there's an attachment to
3 this email called "COVID doc."

4 Do you see that?

5 A. Uh-huh, yes.

6 Q. I'll hand you tab 15A, which
7 we'll mark as Exhibit 18.

8 A. Thank you.

9 Q. For the record, this Bates
10 starting with BW__Irvington00188209. And
11 I'll represent to you, Dr. Vauss, that this
12 is the attachment to Dr. Rivera's email.

13 A. Yes.

14 - - - - -

15 (Dr. Rivera's Covid 19
16 Crisis Response Program Bates
17 BW__Irvington00188209 to 00188212
18 marked Vauss Exhibit 18 for
19 identification.)

20 - - - - -

21 BY MR. KARP:

22 Q. Do you recognize this
23 document?

24 A. Yes.

25 Q. Do you need a moment to

CONFIDENTIAL

Page 214

1 review it?

2 A. Yeah, I do need to review it.
3 Okay.

4 Q. Who is Dr. Rivera?

5 A. She was a school psychologist
6 for our district.

7 Q. And at this point in time
8 when she emailed you and that would have
9 been June 3, 2020, was she an employee of
10 the district?

11 A. I'm not sure if she had
12 joined our staff at that time, but if she
13 had not, she eventually did.

14 Q. Okay. So you believe you
15 might have hired her soon after this email
16 was sent?

17 A. Yes.

18 Q. And the document we're
19 looking at now, Exhibit 18, is called,
20 "Covid 19 Crisis Response Program."

21 Do you see that?

22 A. Yes.

23 Q. Okay. Was Dr. Rivera hired
24 to address the mental health of Irvington
25 students that might have been affected by

CONFIDENTIAL

Page 215

1 the COVID-19 pandemic?

2 MR. INNES: Objection to form.

3 THE WITNESS: So can you ask
4 that again? I'm sorry, I started
5 to read some more of the document.

6 BY MR. KARP:

7 Q. Not a problem and I'll take
8 the opportunity to rephrase.

9 A. Okay.

10 Q. Did you hire Dr. Rivera to
11 support Irvington's students with the
12 negative effects of the COVID-19 pandemic?

13 MR. INNES: Objection to form.

14 THE WITNESS: I would say
15 potential negative effects, because
16 as I look at the date, I don't know
17 that all of the things that would
18 negatively affect the mental health
19 of our scholars was fully realized
20 at that juncture, but initially, it
21 was more of the possibility.

22 BY MR. KARP:

23 Q. To phrase my question a
24 little bit differently, was Dr. Rivera
25 hired to support students in dealing with

CONFIDENTIAL

Page 216

1 the effects, whatever they turned out to
2 be, of the COVID-19 pandemic?

3 A. Amongst other things, yes.

4 Q. What do you mean, "amongst
5 other things"?

6 A. Meaning the fullness of a
7 school psychologist and especially if we
8 speak specifically to Dr. Rivera, I don't
9 think that in June, June 3rd, that while
10 there was some negative -- there was a lot
11 of negative use of social media, that un --
12 I guess not sanctioned, but not monitored
13 time period the scholars were online,
14 obviously, because we needed to educate
15 them virtually, but their access to be able
16 to get on social media unchecked was not
17 known on June 30 -- I mean, June 3rd of
18 this date but as time evolved and she was
19 with us, she could and she probably has
20 spoken to the impact that isolation coupled
21 with unfettered, unguarded, unmonitored
22 social media access, what that did to our
23 students and what they were able to see
24 happening in other places versus what they
25 could actually partake in or their own

CONFIDENTIAL

Page 217

1 realities was significant.

2 Q. To your knowledge, when in
3 2020 did Irvington Public Schools shift to
4 a remote learning environment?

5 A. May, May -- around May 4th or
6 somewhere in May. Because we -- we were
7 paper and pencil before I became the
8 interim superintendent.

9 Q. Okay. So in March and April
10 of 2020, Irvington Public Schools was still
11 proceeding in person?

12 A. No, no. We, we had to come
13 up with a system, the day that we left, we
14 sent, much like other districts, we didn't
15 know how long this was going to last, so we
16 sent things home and then we, some of us,
17 essential workers, still came to sites and
18 disseminated social -- through social
19 distancing creating packets, providing
20 pencils and things to families that may not
21 have those things at home.

22 Q. I understand. So student --
23 at what point in time did Irvington Public
24 Schools send students home?

25 A. March 16th.

CONFIDENTIAL

Page 218

1 Q. March 16th of 2020?

2 A. Yes, uh-huh.

3 Q. And this proposal from
4 Dr. Rivera was sent to you on June 3, 2020?

5 A. Uh-huh.

6 Q. And is it your testimony that
7 Dr. Rivera did not realize that social
8 media -- that students would be using
9 social media while they weren't in school
10 for the three months that they had been
11 home at that point?

12 A. I'm not saying that, because
13 I wouldn't be able to speak to that, but
14 I'm just saying that in June, when we're
15 talking about June 3rd and what, how this
16 would evolve, I don't think that any of us
17 could have imagined it, so I'm taking a
18 liberty and saying that she didn't. But
19 what may have been her thought process on
20 that, I couldn't speak to.

21 Q. Okay. Does Dr. Rivera
22 mention social media anywhere in her
23 proposal?

24 A. Let me look through it again.
25 No.

CONFIDENTIAL

Page 219

1 Q. You mentioned a few minutes
2 ago that Dr. Rivera has probably spoken to
3 the impact of isolation from COVID and
4 unfettered access to social media.

5 Do you recall saying that?

6 A. Yes.

7 Q. When she might she have
8 spoken to that issue?

9 A. I said I couldn't speak to
10 that, that's what I said when you asked me,
11 you said what did she say about that and I
12 said I couldn't speak for her, but I would
13 imagine, so I was taking -- and I said I
14 was taking the liberty in speaking for her
15 while I can't speak for her, especially
16 with that specific question.

17 Q. So you don't know, sitting
18 here today, you don't know one way or
19 another whether Dr. Rivera has addressed,
20 to use your words, unfettered access to
21 social media while students were isolated
22 at home?

23 A. I mean, I'm sure she probably
24 has, because we've all, especially in that
25 realm of learning, and she's a school

CONFIDENTIAL

Page 220

1 psychologist and she may have dealt with
2 students who were victimized by students
3 placing content for people to like and
4 follow and share and tag. And I'm sure a
5 great deal of her time was encumbered with
6 the after-effects of students having access
7 without any, you know, from a certain
8 window of time that they normally would be
9 in school and have a certain type of, at
10 least someone to say stop, don't do that,
11 get off that site, don't do that, don't do
12 this, there at home, you know, it's a
13 little different environment.

14 Q. In fairness, you're
15 speculating and you don't know whether she
16 actually has dealt with these issues,
17 correct?

18 A. That she's dealt with mental
19 health use as it relates to the use of
20 social media, I'm pretty sure that I could
21 probably say that every single one of our
22 school psychologists or HSSCs or school
23 counselors at the secondary level and she
24 was district-wide, so she had a variety of
25 students she dealt with, I would say no, I

CONFIDENTIAL

Page 221

1 don't think I would be incorrect in saying
2 that.

3 Q. What is your basis for
4 saying -- strike that.

5 You said that -- you
6 testified that Dr. Rivera has probably
7 spoken to the impact of unfettered access
8 to social media during the pandemic when
9 students were home and isolated, correct?

10 A. Uh-huh. Uh-huh.

11 Q. What is your basis for saying
12 that?

13 A. From my own experience and if
14 I experience it as the superintendent and
15 seeing the things that our scholars have
16 gone through and some of the after-effects
17 of students who have been, for example,
18 pulled out of class to be a part of
19 investigations that they may not have been
20 part of, where they then have to go see our
21 school's psychologist or go see our HSSC
22 and talk about, you know, how having seen
23 their friends put -- frenemies put things
24 online about them and people liking it and
25 sharing it, how that made them feel. Her

CONFIDENTIAL

Page 222

1 being, you know, a doctor, a psychologist,
2 and knowing that, you know, she was -- she
3 was probably definitely, definitely aware
4 of this, definitely.

5 Q. She was probably or
6 definitely?

7 A. No, I said she probably was
8 definitely aware of this. So I'm not a
9 betting woman and so I wouldn't bet
10 anything on that, but just from my
11 experience and the experiences that I'm
12 aware of that some of our staff may have
13 had, you know, with social media as an
14 ongoing inundation of their daily time,
15 especially during this time period, but as
16 a result of this time period and what
17 happens in schools, I would say yes.

18 Q. Can you point to a concrete
19 or specific instance in which Dr. Rivera
20 addressed social media or students'
21 unfettered access to social media, to use
22 your words, during the COVID-19 pandemic?

23 A. I would say I could speak to
24 the things that she had to deal with as a
25 result of our scholars being what I would

CONFIDENTIAL

Page 223

1 call addicted to social media, follows and
2 likes, and putting things that are negative
3 to garner attention, I would say that she
4 perhaps was overwhelmed with some of those
5 things. And the reason why I say she was
6 overwhelmed, because she -- there were so
7 many things that were happening as it
8 relates to social media that she is no
9 longer here as a psychologist. She is, you
10 know, there was a lot -- it's very -- it
11 was very taxing to spend your day trying to
12 referee things that have happened outside
13 of school time, during school time, when
14 there's supposed to be instruction. And
15 there are investigations going on as it
16 relates to a TikTok video that may have
17 been made or a fight that was placed up on
18 social media and people are sharing it all
19 over the school district. And then you
20 have to, you know, determine who may have
21 been a victim in a fight or who may be
22 being harassed because they liked something
23 that they probably didn't really mean to
24 like or they shared it, it became -- it
25 probably became overwhelming.

CONFIDENTIAL

Page 224

1 Q. Dr. Vauss, did you --
2 Dr. Rivera ever report this to you that she
3 had -- that she had specifically dealt with
4 students' access to social media during the
5 COVID-19 pandemic? Was that something she
6 reported to you?

7 A. She would not have reported
8 it to me directly, because I wasn't her
9 immediate report. But the existence of
10 her, you know, as a floating school
11 psychologist, would have made that be a
12 part of it --

13 Q. Are you --

14 A. -- for sure.

15 Q. I didn't mean to cut you off.
16 Are you aware of any articles that
17 Dr. Rivera published on this particular
18 issue?

19 A. I am not.

20 Q. Any videos that she might
21 have made to address the effects -- or
22 excuse me, strike that.

23 Are you aware of any videos
24 that Dr. Rivera might have created
25 regarding student access to social media

CONFIDENTIAL

Page 225

1 during the COVID-19 pandemic?

2 A. I am not.

3 Q. Okay.

4 A. But that does not, I want to
5 be clear, that does not, you know, negate
6 what I know that our school psychologists,
7 our social workers, our HSSCs had to deal
8 with during that time period, but even
9 right now and it really doesn't -- I'm
10 sorry.

11 Q. I'm just asking about
12 Dr. Rivera specifically.

13 A. Oh, okay.

14 Q. Do you understand?

15 A. Okay. But you asked -- I
16 know you asked me about her specifically,
17 but I would have to speak about the
18 entirety, because she doesn't report to me
19 and it's more about learning about what is
20 inundating our school psychologists, our
21 school counselors, and our social workers'
22 days. You know, yes, we have students who
23 have problems, that's probably happened
24 from the beginning of time and we can't
25 ignore those if we really want, you know,

CONFIDENTIAL

Page 226

1 to educate the whole child. But when I see
2 a trend of, it seems like the same kind of
3 vernacular of being inundated with social
4 media issues or social media-related issues
5 that are impeding the educational process,
6 or in the case of school psychologists or
7 social workers or school counselors, all
8 the peripheral things they're supposed to
9 be doing, they're not able to do on a daily
10 basis.

11 Q. And if I can just focus back
12 on the document, Exhibit 18, let's look at
13 what Dr. Rivera actually was concerned
14 about. If we look at the first paragraph
15 of this proposal, Dr. Rivera writes, "We
16 are facing unprecedented times as our
17 country faces a global pandemic that will
18 likely have immeasurable consequences in
19 the form of death, illness, financial loss,
20 and psychological trauma."

21 Do you see that?

22 A. Yes.

23 MR. INNES: Objection.

24 Argumentative. Misstates the
25 document.

CONFIDENTIAL

Page 227

1 BY MR. KARP:

2 Q. "While the entire nation is
3 contending with the disease it is clear
4 that urban communities of color have been
5 disproportionately and severely impacted."

6 Do you see that?

7 A. Yes.

8 Q. And do you agree with that?

9 A. It has been impacted. I
10 don't know if I can -- I can speak to a
11 disproportionately, anecdotally maybe I can
12 say, yes.

13 Q. Let's go through this --

14 A. Especially when you say
15 contending with the disease, see, that's --
16 that's kind of like outside of my -- my
17 scope.

18 Q. I understand. Dr. Rivera
19 wrote, "It is clear that urban communities
20 of color have been disproportionately and
21 severely impacted."

22 Do you agree with that
23 statement?

24 A. I would say any impact is
25 severe, so, yes. Disproportionately, I

CONFIDENTIAL

Page 228

1 wouldn't have the data to say
2 disproportionately, because I don't know
3 other communities and how certain things
4 impact them. I mean, I don't have that
5 experience, so I wouldn't know. I can only
6 really speak to Irvington in this context.

7 Q. Dr. Rivera is an expert in
8 her field, you'd agree?

9 A. An expert.

10 Q. In her field.

11 A. I don't know about an -- she
12 is -- she is -- she defended her
13 dissertation. She is a doctor. She is
14 learned. I don't know if she is the go-to
15 person in her field. I wouldn't say she's
16 not, but I wouldn't know that she is.

17 Q. You hired her after she
18 submitted this proposal, correct?

19 A. I did. I did.

20 Q. Okay.

21 A. And I'll be honest, when she
22 was.

23 Q. Dr. Vauss --

24 MS. HENRY: There's no
25 question pending.

CONFIDENTIAL

Page 229

1 MR. KARP: Yeah, sorry,
2 there's no question pending.

3 MR. INNES: Well, no, hang on
4 a second, you said.

5 MR. KARP: There is actually
6 no question pending.

7 MR. INNES: There is a
8 question, because you haven't asked
9 another question. The question you
10 just asked is still pending and
11 she's finishing her answer. You
12 can let her finish her answer.
13 Dr. Vauss, please continue.

14 THE WITNESS: So.

15 MS. HENRY: "You hired her
16 after she submitted this proposal?"

17 MR. INNES: No, no, Counsel.

18 MS. HENRY: "I did," period.

19 MR. INNES: Okay. And she's
20 continuing to answer the question.
21 Do you want to read this or do you
22 want know the answer --

23 MS. HENRY: It's a yes-or-no
24 question. You know what she's
25 doing, Michael.

CONFIDENTIAL

Page 230

1 MR. INNES: Excuse me?

2 MS. HENRY: You know what
3 she's doing.

4 MR. INNES: I know what you're
5 doing, you're trying to cut off my
6 witness.

7 MR. KARP: Let's take a
8 look --

9 MR. INNES: No, she's going to
10 continue her answer.

11 THE WITNESS: So what I wanted
12 to say was that we had no idea, I
13 had no idea on June 3rd what this
14 would evolve into.

15 BY MR. KARP:

16 Q. If we look at the third
17 paragraph of this document, it states,
18 "These factors mean that while the country
19 is experiencing a collective trauma, the
20 psychological wounds may be even deeper and
21 longer lasting among low income, urban
22 communities."

23 Do you see that?

24 A. I see that.

25 Q. Do you agree with that?

CONFIDENTIAL

Page 231

1 A. I wouldn't -- I think she's
2 speaking in a broad term, so I guess I
3 could say I guess yes, but I have no basis
4 of knowing the veracity of that particular
5 assertion.

6 Q. Further down on the page,
7 Dr. Rivera says, "According to the American
8 Psychological Association, stress has
9 increased dramatically among Americans
10 since the epidemic's outset. Depression,
11 and anxiety are on the rise, as well as
12 social ills such as substance use and
13 domestic violence. Children and
14 adolescents will be particularly affected,"
15 correct?

16 A. That's what she wrote, yes.

17 Q. That's what Dr. Rivera wrote
18 in this proposal --

19 A. Yes.

20 Q. -- a few months before she
21 was hired by the district?

22 A. Yeah, I said yes.

23 MR. INNES: If you want a yes
24 or no, you have got to take a yes
25 or no, all right?

CONFIDENTIAL

Page 232

1 MR. KARP: And I did take
2 it --

3 MS. HENRY: We want a yes or
4 no.

5 MR. INNES: You got it that
6 time, right? So you can move on.

7 MR. KARP: All right, I was.
8 "The impact of quarantining in
9 their homes will be significant.
10 For many students, besides academic
11 learning, school provides social
12 connectedness in the form of
13 relationships with staff and peers,
14 structure, consistency, and
15 supervision both during and after
16 school hours. The support schools
17 provide goes well beyond
18 educational instruction, with many
19 students, for example, dependent
20 upon school meals as a primary
21 source of nutrition."

22 Do you see that?

23 THE WITNESS: I see that.

24 BY MR. KARP:

25 Q. And is that something you

CONFIDENTIAL

Page 233

1 agree with?

2 MR. INNES: Objection. What's
3 the time period? Is she agreeing
4 with when it was written or
5 agreeing with it today?

6 BY MR. KARP:

7 Q. Is that something you agree
8 with sitting here today?

9 A. I would answer and say yes,
10 there was a vacuum in need and I think, I
11 believe social media jumped right in,
12 because they knew about the need for our
13 scholars to have social connectiveness in
14 the forms of relationship, so they allowed
15 it to be filled with features and likes and
16 tags and it made the students feel like
17 they were connected.

18 Unfortunately, it didn't
19 matter what it was, the content that they
20 were liking and sharing and tagging other
21 students in. And it created a culture
22 of -- that was thin once we returned to our
23 buildings and it didn't stop. It was a new
24 reality. And that was nonstop use of
25 social media.

CONFIDENTIAL

Page 234

1 Q. And none of that appears in
2 Dr. Rivera's report, correct?

3 A. It doesn't, especially that
4 we know that this is June 3, 2020. We were
5 less -- it was less than a month of online
6 instruction.

7 Q. Dr. Rivera writes, "For some,
8 school is a safe haven from difficult
9 living situations. Schools not physically
10 in session can no longer effectively
11 monitor and support these children, and
12 therefore it may be far more difficult to
13 protect them from harm, leaving some
14 vulnerable to abuse and neglect."

15 Do you see that?

16 A. I see that.

17 Q. Was that true for Irvington
18 students?

19 MR. INNES: Objection. True
20 now or true then?

21 BY MR. KARP:

22 Q. I said was that true for
23 Irvington students?

24 A. Let me read it again, okay?

25 Q. Sure.

CONFIDENTIAL

Page 235

1 A. That is true, it was very
2 difficult to protect them from harms,
3 multiple harms, social media harm, harm
4 from maybe another source, but definitely
5 it was difficult to protect them from harm,
6 especially when -- if they're targeted for
7 harm.

8 Q. And here Dr. Rivera is saying
9 that some would be left vulnerable to abuse
10 and neglect, correct?

11 A. Yes, oh, yes.

12 Q. Next Dr. Rivera says, "In
13 fact, it is difficult to know how some
14 students are faring at all through distance
15 learning. According to the New York Times,
16 while chronic absenteeism is always an
17 issue under best of circumstances, now more
18 students than ever are missing class. In
19 many districts, since the closing of
20 schools, some students have gone
21 unaccounted for, never or only sporadically
22 participating in distance learning."
23 Correct, or did I read that correctly?

24 A. I think you read that
25 correctly. I think the New York Times was

CONFIDENTIAL

Page 236

1 not reporting on Irvington Public Schools.
2 That when she cites that, I think they were
3 speaking of the United States of America.

4 Q. Irvington did not have a
5 larger issue with chronic absenteeism
6 during the pandemic?

7 A. I'm not saying that. What
8 I'm saying is, is that when you spoke to
9 that specific piece, that there -- it's
10 citing chronic absenteeism as it relates to
11 the United States or the entire country. I
12 don't think that they cited Irvington
13 Public Schools is what I'm saying.

14 Q. Meaning Irvington was not
15 mentioned in this New York Times is your
16 point?

17 A. Yes, yes.

18 Q. Let's turn the page. A few
19 paragraphs down, Dr. Rivera wrote, "School
20 staff are also vulnerable to all the
21 stressors brought on by the pandemic, and
22 many are parents themselves. Staff members
23 may have experienced illness or the loss of
24 loved ones. They will not be invulnerable
25 to the myriad of negative social and

CONFIDENTIAL

Page 237

1 psychological factors affecting all
2 Americans. Returning to the school setting
3 will pose a transition for staff as well as
4 students."

5 Did I read that correctly?

6 A. Yes.

7 Q. How did IPS staff struggle --
8 or strike that.

9 How, if at all, did the
10 struggles of IPS staff during the pandemic
11 bleed into the classroom?

12 MR. INNES: Objection. Lack
13 of foundation.

14 MR. KARP: You can answer.

15 THE WITNESS: Oh, okay. So
16 can you rephrase the question?

17 BY MR. KARP:

18 Q. How about if I ask it a
19 little bit differently?

20 A. Okay.

21 Q. Did the struggles -- or did
22 Irvington staff face mental and emotional
23 struggles during the COVID-19 pandemic?

24 MR. INNES: Objection.

25 THE WITNESS: Can I answer?

CONFIDENTIAL

Page 238

1 MR. INNES: Yes.

2 THE WITNESS: Okay. Yes, I
3 would say yes.

4 BY MR. KARP:

5 Q. And did those struggles
6 manifest themselves in any way when
7 Irvington transitioned back to in-school
8 learning?

9 MR. INNES: Objection.

10 THE WITNESS: Well, yes, and I
11 would say that what happened was is
12 that the realities of students
13 being at home manifested in the
14 classroom, because that's when you
15 saw students nonstop are trying to
16 be online all the time whether
17 it's, you know, it has been said
18 cell phones, but they also would
19 get online through their computers
20 that they have in the classroom.
21 And it was a stressor for teachers
22 to constantly try to get the
23 attention to engage the students
24 with the content that they're
25 charged to teach. And it was, it

CONFIDENTIAL

Page 239

1 was, that would be a stressor. I
2 would think that's one of the
3 stressors, amongst other things,
4 but it definitely was and it
5 continues to be a stressor to
6 compete with something that has
7 features versus let's, you know, go
8 over Romeo and Juliet.

9 BY MR. KARP:

10 Q. I appreciate that answer.
11 I'll move to strike as nonresponsive. My
12 question was simply about the struggles
13 that staff themselves were experiencing
14 during the pandemic and how, if at all,
15 those struggles might have manifested
16 themselves back in the classroom once you
17 were back to in-person instruction.

18 MR. INNES: Okay. Objection.
19 A brief statement, the doctor
20 answered your question. If you
21 don't like the answers to her
22 questions, you can ask a different
23 question. But you're not going to
24 strike her answers that are
25 truthful and that she understands,

CONFIDENTIAL

Page 240

1 because she answered, right? That
2 is the instruction you gave her, if
3 she answers the question, she
4 understood the question.

5 MR. KARP: Your position is
6 noted and you may answer my
7 question.

8 THE WITNESS: Okay. So --
9 okay. I'll answer it. So are
10 there stressors that teachers had
11 when they came back, just so I
12 understand what your question is.

13 BY MR. KARP:

14 Q. That they had during the
15 pandemic while they were out of the
16 classroom that might have materialized or
17 become more of an issue when she returned
18 to in person.

19 A. I guess that that's possible,
20 but I would say that there are things that
21 are triggers. So when you're really trying
22 to focus, maybe you lost a loved one, I
23 don't know, but one of the things that I am
24 very proud of is that we didn't lose any
25 staff members or students during the

CONFIDENTIAL

Page 241

1 pandemic. We didn't lose -- they may have
2 lost family members, that's not to negate
3 that, but we didn't lose any staff members
4 due to COVID during my tenure here. And we
5 put in different safety measures to try to
6 help our staff, we always have, but one of
7 the constants was trying to teach, trying
8 to reacclimate students to school life and
9 I would say those were the greater
10 stressors for my staff members, because
11 when you're trying to compete with a social
12 media platform versus, you know -- you
13 know, trying to get them on task, that
14 was -- that was probably, if anything, that
15 was probably one of their greatest
16 stressors in the classroom when they
17 transitioned back in.

18 Q. Further down in the document
19 Dr. Rivera writes, "In recent weeks, not
20 only are communities dealing with the
21 trauma of a global pandemic, but the
22 additional anxiety and uncertainty of major
23 disruption, political and civil unrest due
24 to racial hatred and violence. The impact
25 of this is especially felt in black

CONFIDENTIAL

Page 242

1 communities. Emotions and tensions are
2 running high and children are likely being
3 exposed to experiences, images in the
4 media, and conversations all around them
5 that may be frightening and confusing."

6 Do you see that?

7 A. I see that.

8 Q. Do you have any understanding
9 of what Dr. Rivera was referring to in that
10 paragraph?

11 MR. INNES: Objection to form.

12 THE WITNESS: I think she's
13 talking about the -- if this is
14 2020, everything that was going on,
15 but I think one of the things to
16 underscore is images in the media
17 and while, when I look at that, I
18 think of images in the social media
19 and having content that is
20 protected, but people liking things
21 that are traumatic, things that
22 show people being marginalized and
23 polarized, and it living on in
24 infamy and people liking it and
25 sharing it and it goes over and

CONFIDENTIAL

Page 243

1 you're reliving it over and over
2 again on certain social media
3 platforms, that is, that is the
4 most traumatic thing. Because
5 major disruption, political and
6 civil unrest, unfortunately, in my
7 lifetime, has been a norm. That
8 has been a norm, unfortunately.
9 Being an African American, you
10 know, that has been for the last 52
11 years, been my reality. What I've
12 noticed, especially as it pertains
13 to what students have to deal with,
14 they have to relive these things
15 that should and could go away. And
16 when you think someone is your
17 friend or you think someone likes
18 you and then you find out that they
19 like something, some content that
20 is objectionable or racist or
21 harmful, and then they share it,
22 that is where I would argue is, the
23 most harm is done.

24 BY MR. KARP:

25 Q. When I asked you if you had

CONFIDENTIAL

Page 244

1 an understanding of what Dr. Rivera was
2 referring to in this paragraph, you
3 testified, "if this is 2020, everything
4 that was going on."

5 A. Uh-huh.

6 Q. What did you mean by that
7 specifically?

8 A. I believe, I don't know the
9 exact date, but I know that George Floyd, I
10 believe, was killed during that time. But
11 I also know that there were other people
12 who I can name, which you probably wouldn't
13 know, that were killed during a certain
14 time but it wasn't placed on social media,
15 the imagery of a person's death and being
16 liked or shared and people making comments
17 and making features and, you know, mocking
18 it was not a reality that I can say that I
19 experienced as a child. But the children
20 that she's speaking of, that is their
21 reality. And it, if you want to,
22 obviously, I think we can all agree racism
23 is horrible, but to promote it in a sense
24 and share it constantly and continuously,
25 the fruits of that, is devastating and it's

CONFIDENTIAL

Page 245

1 hard to get past.

2 Q. You mentioned certain
3 individuals you didn't think I would
4 recognize or whose names I wouldn't
5 recognize.

6 A. So you would like me to
7 mention them? Because I would say when I,
8 you know, I'm from Indiana, there were
9 people who were murdered or killed or
10 something like that, but their names, it
11 was before social media existed. So you
12 wouldn't know about them, so.

13 Q. I just wanted to know what
14 you were referring to, that's all.

15 A. Oh, okay.

16 Q. Yeah.

17 A. Okay.

18 Q. And do you believe that that
19 is what Dr. Rivera was referring to in her
20 paragraph -- in this passage that she wrote
21 in her proposal?

22 A. I believe that for sure, but
23 I think she's speaking to when she says the
24 "uncertainty of major disruption, political
25 and civil unrest due to the racial hatred

CONFIDENTIAL

Page 246

1 and violence." The impact, and when you
2 get down, images in the media, I think that
3 the empathy and the sympathy even to things
4 that happen have been numbed by people
5 placing things on a platform, sharing it as
6 though the people in those images aren't
7 real. So it's a game changer. It's a game
8 changer for sure. And I think she would --
9 that's when she says the images in the
10 media, I think that she's not -- she's not
11 talking about an image on CBS or NBC alone,
12 I think she's talking about all media.

13 Q. I'm sorry, you refer to the
14 George Floyd shooting?

15 A. Not shooting, he wasn't --

16 Q. Or I apologize, his murder.

17 A. His murder, yeah.

18 Q. That was being covered on
19 national news, correct?

20 A. Uh-huh.

21 Q. And everyone was talking
22 about it, right, it was a horrible
23 incident, correct?

24 A. Yes.

25 Q. There were riots and protests

CONFIDENTIAL

Page 247

1 around the George Floyd killing, correct?

2 A. Yes.

3 Q. And that would have been
4 stressful, it was stressful for everyone,
5 including Irvington Public School students,
6 correct?

7 A. I think, yes, but remember,
8 they're on social media. I don't think
9 they watch the news like I may watch the
10 news or whatever news outlet that is your
11 soup du jour. I think they see these
12 images on social media. And one of the
13 instinctual things that are part of our
14 children's reality in IPS is to share, is
15 to like and that is -- makes a thing live
16 on. And it also makes it so that you're
17 starting to see it over and over until you
18 become numb to certain things. And that's
19 really heartbreaking.

20 Q. Let's look at the next page,
21 which is, includes a section, "Potential
22 Strategies for Staff." And this is page
23 ending 8211.

24 Do you see that?

25 And Dr. Rivera wrote, "For

CONFIDENTIAL

Page 248

1 staff, these may include school-wide
2 programs and activities aimed at enhancing
3 school climate, trauma related staff
4 trainings, support groups, classroom
5 interventions, individual consultation, and
6 the provision of resources staff may have
7 access for guidance and support."

8 Do you see that?

9 A. Yes.

10 Q. Okay. Dr. Rivera did not
11 mention social media in her potential
12 strategies for staff, correct?

13 A. Yes.

14 Q. Next she refers to potential
15 strategies for families.

16 Do you see that?

17 A. Yes.

18 Q. "The needs of parents and
19 caretakers will be assessed. Access to
20 resources for parents regarding such
21 concerns as how to talk to their children
22 about their experiences, navigating grief
23 and loss, stress management, distress
24 tolerance, and where to find needed
25 services within the community will be

CONFIDENTIAL

Page 249

1 provided."

2 Do you see that?

3 A. Yes, I see that.

4 Q. She also refers to parent
5 workshops and support groups.

6 Do you see that?

7 A. Yes.

8 Q. Dr. Rivera doesn't mention
9 the words, "social media," in her potential
10 strategies for families, correct?

11 A. No, she doesn't.

12 Q. She also writes about
13 potential strategies for students. "The
14 quick identification of individual students
15 for services will also be essential.
16 Quickly assessing students known to staff
17 to have suffered a loss or other
18 significant trauma or identified as
19 displaying a need will be necessary to
20 immediately provide them with needed
21 support."

22 Do you see that? Did I read
23 that correctly?

24 A. That is correct. And I would
25 just say that similar to what she put up at

CONFIDENTIAL

Page 250

1 the top for staff, as what she notes in the
2 student section, are classroom
3 interventions. And I think because of the
4 new norm that was set forth, although not
5 fully realized at this time, it would be
6 inclusive of what -- of social media, of
7 media influences, being the teachers
8 teaching and the students learning, okay,
9 sorry.

10 Q. That's okay. Have you spoken
11 to Dr. Rivera about the meaning of
12 classroom interventions as she used that
13 phrase in this proposal?

14 A. I have not.

15 Q. She doesn't use the words, "
16 social media," in any of these potential
17 strategies for students, correct?

18 A. That is correct. However,
19 knowing my own experience and knowing what
20 was going on, I would say that classroom
21 interventions would definitely talk about
22 things that were interrupting the
23 instructional process, which the reality
24 was is that social media has and was and is
25 been one of those.

CONFIDENTIAL

Page 251

1 Q. Dr. Rivera doesn't mention
2 Facebook anywhere in this proposal,
3 correct?

4 A. No, she does not.

5 Q. She doesn't refer to TikTok?

6 A. No, she does not.

7 Q. She doesn't refer to
8 Instagram?

9 A. She does not.

10 Q. She doesn't refer to
11 SnapChat?

12 A. She does not.

13 Q. And she does not refer to
14 YouTube, correct?

15 A. She does not.

16 Q. After she submitted this
17 proposal about the results of the COVID-19
18 pandemic, the district hired her, right?

19 A. Yes.

20 Q. Let's move onto tab 16. What
21 exhibit number are we up to?

22 THE EXHIBIT TECH: Nineteen.

23 - - - - -

24 (Email String Bates

25 BW__Irvington00161969 to 00161970

CONFIDENTIAL

Page 252

1 marked Vauss Exhibit 19 for
2 identification.)

3 - - - - -

4 BY MR. KARP:

5 Q. Thank you. We'll mark this
6 as Exhibit 19, and this is Bates starting
7 BW__Irvington00161969.

8 Dr. Vauss, this is an email
9 dated January 29, 2021.

10 Do you see that?

11 A. Yes.

12 Q. It's from Patricia Dowd to
13 you?

14 A. Yes.

15 Q. Who is Patricia Dowd?

16 A. She is our former director of
17 special services.

18 Q. And she wrote, "Thank you,
19 Dr. Vauss. I have attached the final
20 verbiage written for the grant, I will
21 attach -- excuse me, I will attached a
22 coded list of students by school and this
23 signed letter with your approval."

24 Do you see that?

25 A. Yes.

CONFIDENTIAL

Page 253

1 Q. Okay. And then the
2 attachments that's listed here is called,
3 "Grant Final."

4 Do you see that?

5 A. I do.

6 Q. Okay. I'm handing you tab
7 16A. For the record, this is
8 BW__Irvington00161971. And this will be
9 Exhibit 20.

10 - - - - -

11 (Grant Final Attachment
12 Bates BW__Irvington00161971
13 marked Vauss Exhibit 20 for
14 identification.)

15 - - - - -

16 BY MR. KARP:

17 Q. Do you recognize this
18 document, Dr. Vauss?

19 A. I do.

20 Q. What is this document?

21 A. It is -- I believe it's an
22 application for a grant.

23 Q. Do you recall which grant?

24 A. Actually, I do not.

25 Q. Partway through, partway down

CONFIDENTIAL

Page 254

1 the page, there is a section listing out a
2 number of schools in Irvington Public --

3 A. Uh-huh.

4 Q. Excuse me, strike that.

5 Partway through -- partway
6 down the page, there is a section listing
7 out schools in the Irvington Public School
8 District.

9 Do you see that?

10 A. Yes.

11 Q. And for each of the schools
12 listed, there's also some data regarding
13 the percentage of economically
14 disadvantaged students and the percentage
15 of chronic absenteeism.

16 Do you see that?

17 A. Uh-huh, yes.

18 Q. Do you have any reason to
19 doubt the accuracy of the data that's
20 contained here?

21 A. No, I believe this is from
22 2021, yes. This is, seems to be accurate.
23 I mean, I would think. Yes, I would think
24 it would be accurate.

25 Q. I just wanted to make sure

CONFIDENTIAL

Page 255

1 you finished your answer, I'm sorry.

2 A. Uh-huh.

3 Q. For Irvington High School,
4 for example, 67 percent of students are
5 identified as economically disadvantaged
6 and 50 percent are chronically absent?

7 A. At that time, yes.

8 Q. Meaning that 50 percent of
9 Irvington Public School students at this
10 point in time had missed ten or more
11 classes in the enrollment period, correct?

12 MR. INNES: Objection.

13 Misstates prior testimony.

14 THE WITNESS: So this would be
15 based upon them logging in for
16 virtual instruction and staying on.
17 So, yes, there was a problem with
18 getting the students to stay on the
19 site for instruction versus going
20 on somewhere else.

21 BY MR. KARP:

22 Q. Okay. Let's look at the
23 second page of this document, which ends in
24 1972.

25 A. That's my birthday.

CONFIDENTIAL

Page 256

1 Q. And halfway down the page,
2 this grant application states, "Irvington,
3 an identified high-risk COVID area has had
4 a disruption in our academic program since
5 March 17, 2020 causing us to remain fully
6 virtual while simultaneously dealing with a
7 myriad of issues such as limited access to
8 technology, homes without internet access,
9 and families not technology savvy or with
10 limited language skills."

11 Do you see that?

12 A. Yes, uh-huh.

13 Q. What is meant by, "Irvington
14 is identified as a high-risk COVID area"?

15 A. Meaning we had a lot of COVID
16 cases.

17 Q. I see. And that would have
18 been particularly stressful for Irvington
19 Public School students, correct?

20 MR. INNES: Objection to form.

21 MR. KARP: You can answer.

22 THE WITNESS: Oh, okay. I
23 would imagine it would be very
24 stressful. I don't know that, once
25 again, I don't think I can quantify

CONFIDENTIAL

Page 257

1 to say that the stress regarding
2 COVID was more here, a lot, what
3 number is that, I don't know. So
4 it was stressful.

5 BY MR. KARP:

6 Q. And among the myriad of
7 issues that are identified here are limited
8 access to technology, homes without
9 internet, and families that aren't tech
10 savvy, or have limited language skills,
11 correct?

12 MR. INNES: Objection.
13 Argumentative.

14 BY MR. KARP:

15 Q. Do you see those listed?

16 A. Yes, I see that, yes, uh-huh.

17 Q. Social media is not
18 identified as one of the myriad issues,
19 right?

20 A. No, not on this, no.

21 Q. And then later the grant
22 application says, "In addition, due to the
23 unique combination of the public health
24 crisis, social isolation, and the effects
25 of economic recession, we have experienced

CONFIDENTIAL

Page 258

1 more mental health problems among our
2 students at every grade level in this
3 virtual environment."

4 Do you see that?

5 A. I see that, yes.

6 Q. Irvington identified a public
7 health crisis, social isolation, and the
8 effects of an economic recession as being
9 responsible for more mental health problems
10 at every grade level in the district.

11 Do you see that?

12 MR. INNES: Objection.

13 THE WITNESS: Okay.

14 BY MR. KARP:

15 Q. Let's turn the page to 1973.
16 About halfway down, "Current research by
17 the American Academy of Child and
18 Adolescent Psychology has demonstrated that
19 COVID-19 has affected learners' mental
20 health and increased their depression and
21 anxiety rates. Our parents and teachers
22 have documented changes in their children's
23 emotions and behaviors during the pandemic
24 such as irritability, nervousness,
25 loneliness, uneasiness, and even

CONFIDENTIAL

Page 259

1 depression, further impacting their
2 academic success."

3 Do you see that?

4 A. I do.

5 Q. Social media is not listed
6 there, correct?

7 A. That is correct.

8 Q. Okay.

9 A. However, I would say that
10 when we talk about social isolation,
11 irritability, nervousness, depression,
12 those were -- I would say one of the causes
13 was our students, the social isolation
14 calls them to turn to something that was
15 geared towards them, which is social media
16 and to fill voids, they used social media
17 in a way that was not conducive to them
18 being able to learn and, thus, I would just
19 say that it's -- this report does not
20 examine all of the root causes. So I would
21 say that those same people who, given the
22 knowledge that we have, even if you look at
23 the date 2021, if you were to say September
24 of 2021, they might have a different
25 response.

CONFIDENTIAL

Page 260

1 Q. Did you write this grant
2 application?

3 A. I wrote it in -- I offered
4 information, but this, the anecdotes, the
5 gathering of data, was from my team or
6 designee. I had to sign off, but it
7 wasn't -- all the data was not collected by
8 me, no.

9 Q. And Patricia Dowd was on your
10 team?

11 A. Yeah, she was the director of
12 special services.

13 Q. I see. So fair to say that
14 you and your team put this grant
15 application together?

16 A. I was --

17 MR. INNES: Objection to form.

18 THE WITNESS: I was informed,
19 yes.

20 BY MR. KARP:

21 Q. Okay. You could have written
22 that social media was having a negative
23 impact on student mental health, correct?

24 A. I imagine I could have.

25 Q. And you didn't?

CONFIDENTIAL

Page 261

1 A. The impact that it was having
2 at that particular moment was probably not
3 fully known at that time. Was it an issue,
4 had it been an issue, yes. But when, all
5 of a sudden we have a unique situation, we
6 have students who are no longer in our
7 classes or in our schools and they're
8 online and sometimes parents may say, you
9 know, you're online and think you're on the
10 sites that you're supposed to be on. We
11 think that you're listening to us as we
12 look at you on the screen and you're
13 actually on social media. That, I probably
14 wouldn't have spoken to at that point, but
15 knowing what I've known and the experience
16 that I've had since, yes, I would -- I
17 could have if I had known at that
18 particular moment.

19 Q. Okay. So you did not, you
20 and your team did not identify social media
21 expressly as being responsible for any of
22 these COVID-related issues, correct?

23 MR. INNES: Objection to form.

24 THE WITNESS: Not in this
25 grant application, no.

CONFIDENTIAL

Page 262

1 BY MR. KARP:

2 Q. And the grant application
3 that we're looking at right now was
4 circulated in January of 2021?

5 A. I believe so, yes. Yes,
6 uh-huh.

7 Q. You mentioned earlier that
8 students were sent home in connection with
9 the pandemic in March of 2020; is that
10 right?

11 A. Yes.

12 Q. So as of January 2021, your
13 testimony is that you did not know or
14 realize the potential impact that social
15 media was having on students?

16 MR. INNES: Objection.

17 Misstates prior testimony.

18 THE WITNESS: The fullness of
19 the harms at that particular
20 juncture, no, I did not know.

21 BY MR. KARP:

22 Q. Okay. And, at that point,
23 they had been in a remote learning
24 environment for three or so months during
25 the 2020-2021 school year?

CONFIDENTIAL

Page 263

1 A. Yes.

2 Q. And a few months the prior
3 year, correct?

4 A. A month the prior year. For
5 the month of May, May 4th to the end of the
6 school year.

7 Q. They had been home and
8 learning remotely for multiple months at
9 that point in a January of 2021?

10 A. Remotely, yes, virtually, no.

11 Q. Let's stay on page 1973. All
12 the way down at the bottom, "Regardless of
13 the school or the grade level, our students
14 have faced notable challenges and barriers
15 including, but not limited to: Changes in
16 their daily routines, lack of
17 predictability, increased fears about their
18 safety and the safety of loved ones,
19 extended periods of isolation, and, in some
20 cases, loss of a loved one, limited access
21 to food and safe shelter, and ongoing fear
22 regarding safety. Therefore, our students'
23 frustrations are demonstrated through
24 externalizing behaviors such as refusal to
25 attend and participate in school, defiance

CONFIDENTIAL

Page 264

1 or verbal and physical outbursts, an
2 increase in anxiety and depression."

3 Did I read that correctly?

4 A. Yes.

5 Q. Again, you did not mention
6 social media in this part of the
7 application, correct?

8 A. Uh-huh.

9 MR. INNES: Objection to form.

10 THE STENOGRAPHER: I didn't
11 get an answer, but "uh-huh."

12 THE WITNESS: Oh, sorry, yes.
13 Sorry.

14 BY MR. KARP:

15 Q. "Our parents have also
16 reported they are also seeing internalizing
17 behaviors such as withdrawal, changes in
18 sleeping and eating patterns, and increased
19 physical complaints (headaches, stomach
20 aches). Teachers have reported these
21 challenges as well as changes in their
22 students' abilities to focus and remain on
23 task in our Google classrooms at all
24 schools and grade levels."

25 Do you see that?

CONFIDENTIAL

Page 265

1 A. That's in keeping with what
2 I've been saying that, you know, during
3 that time period, the soup du jour became
4 social media platforms and what was being
5 offered was a structure again after having
6 not had structure. And particularly
7 keeping them on a platform to learn as
8 opposed to something that is probably more
9 exciting. So, yes, this is correct and
10 it's accurate.

11 Q. Let's turn back to 1973. My
12 apologies, just one moment, Dr. Vauss. We
13 can put this to the side.

14 I'm about to start another
15 topic, do we want a break or are we good to
16 continue?

17 MR. INNES: Do you need a
18 break?

19 THE WITNESS: It's up to you.

20 MR. INNES: How much more do
21 you have to go do you think?

22 MR. KARP: Another couple of
23 hours probably.

24 MR. INNES: Okay. Yeah, let's
25 take a break and use the bathroom.

CONFIDENTIAL

Page 266

1 THE VIDEOGRAPHER: The time
2 right now is 4:06 p.m. We are off
3 the record.

4 - - - - -

5 (A recess was taken at this time.)

6 - - - - -

7 THE VIDEOGRAPHER: The time
8 right now is 4:29 p.m. We're back
9 on the record.

10 BY MR. KARP:

11 Q. Dr. Vauss, I am handing you
12 tab 17, which we will mark as Exhibit 21.
13 I'll represent that this was printed from
14 the internet and has quite a lot of
15 advertisements at the end. For
16 completeness just so you have the full
17 document, I have a complete copy for you,
18 but I also have an excerpt?

19 A. Uh-huh.

20 MR. INNES: Thanks.

21 - - - - -

22 (NJ 101.5 News Article
23 marked Vauss Exhibit 21 for
24 identification.)

25 - - - - -

CONFIDENTIAL

Page 267

1 BY MR. KARP:

2 Q. Dr. Vauss, this is a news
3 article pulled from the website of New
4 Jersey 101.5.

5 Do you see that?

6 A. Uh-huh.

7 Q. The headline of this article
8 is, "Shocking: Fights, riots, rats,
9 plague, crumbling New Jersey school led by
10 red-carpet superintendent."

11 Do you see that?

12 A. Uh-huh, yes.

13 Q. The article was published on
14 June 5, 2023.

15 Do you see that?

16 A. Yes, uh-huh.

17 Q. And on the front page it
18 says, "Scenes from Irvington Public Schools
19 and Superintendent April Vauss."

20 Do you see that?

21 A. Yes.

22 Q. Is that an image or a photo
23 of you on the cover of this news report?

24 A. That is.

25 Q. Did you know that they were

CONFIDENTIAL

Page 268

1 going to print that photo of you in this
2 report?

3 A. I did not.

4 Q. How did it make you feel when
5 you saw this report?

6 A. Well, this -- this news
7 outlet and this outlet is a political
8 operative. This is a Republican -- the
9 owner of this is a Republican candidate for
10 governor who is very much aware that this
11 is mainly a Democratic town. If you
12 deep -- dive deeper than this, you will
13 notice that there is another outlet that
14 wrote an article that disclaimed this.
15 When you look at the images in this of
16 schools in disrepair, this -- these images
17 were actually taken from an SDA report that
18 was used years, like, at this juncture,
19 ten, 12 years before they published this,
20 that were not of the high school and they
21 were used to get SDA to fix and repair
22 buildings throughout Irvington that were in
23 disrepair.

24 And they did not listen.
25 They did not check, because they had an

CONFIDENTIAL

Page 269

1 agenda. They wanted to slander a town that
2 had a Democratic mayor. And as we know
3 with this, the owner of this outlet running
4 for governor, how he feels about people who
5 are Democratic and who have the values of a
6 Democrat.

7 And the cynicism of this was
8 only recognized when a different outlet, a
9 different news outlet, said, wait, we've
10 gone in and we see -- we see none of this
11 that was reported, right? And then after
12 that report, one of the managers then
13 contacted me, which I don't see here where
14 he contacted me and then wanted to see some
15 real life imagery of the high school and
16 then wanted to speak to me. Before, they
17 just wanted to say that they contacted me.

18 And at the time, I asked
19 them, will you let me see the pictures?
20 The first time I saw the pictures that they
21 used was in the news article. It was
22 cynical, because the people who listen to
23 101.5 want to believe this about a
24 predominantly black community. So it fed
25 into their narrative and I thought it was

CONFIDENTIAL

Page 270

1 quite shameful. Because then it took an
2 opportunity to take a picture that came
3 from me being at a ball to put it on like
4 this is how I dress to come to work and
5 this is how I present coming to work. Is
6 it okay to go to a ball? I think so. I
7 don't come to work that way. I don't
8 present that way. And to slander me, to
9 say red-carpet superintendent, is as if I
10 don't know what's going on in my schools.
11 I go to my schools. I see things in my
12 schools. I'm not in an ivory tower. I'm
13 not away. I live in this community. I
14 know -- I know what I'm talking about what
15 goes on here, so I'm not the average
16 superintendent.

17 So this, you know, is funny,
18 this is, it's cynical, because you take
19 images that come from an SDA book that was
20 created in 2013 or 2014 from all throughout
21 the district that when it was put together,
22 I wasn't -- I was -- maybe I was a
23 principal at the time, I think I may have
24 been an AP, and they just put it out. And,
25 you know, when you find out you're not

CONFIDENTIAL

Page 271

1 correct, you know, it's public shame,
2 private apologies.

3 Q. Thank you for that response.
4 I want to walk through this article just to
5 understand what exactly was reported by New
6 Jersey 101.5.

7 A. Uh-huh.

8 Q. If we look at the cover page
9 here, New Jersey 101.5 reported, "A teacher
10 is blowing a whistle on horrific conditions
11 at Irvington High School."

12 Do you see that?

13 A. Uh-huh.

14 Q. "While the school building
15 falls apart, the student body has grown
16 increasingly violent. The politically
17 connected superintendent denies any major
18 problem."

19 Do you see that?

20 A. I should make note that my
21 superintendent and other district --

22 Q. I'm sorry --

23 A. -- and other state officials
24 walked through and concurred with what I
25 stated, but okay.

CONFIDENTIAL

Page 272

1 Q. I understand, I just wanted
2 to see --

3 A. Okay.

4 Q. -- if what was --

5 A. Because I don't want to
6 continue the same thing that happened then
7 to be what's happening right now either, so
8 I want to be able to infuse things that are
9 factual.

10 MS. HENRY: You've got a
11 lawyer. He'll take care of you.

12 THE WITNESS: Okay. Thank
13 you. Thank you.

14 MR. INNES: Look, it's not
15 something to be glib about, right?
16 So maybe we could maintain a sense
17 of decorum.

18 MR. KARP: I think we have
19 been very respectful and I'm trying
20 to walk through the article with
21 Dr. Vauss.

22 THE WITNESS: Yeah.

23 BY MR. KARP:

24 Q. Dr. Vauss, on page 2, there
25 is an image of a desk with trash underneath

CONFIDENTIAL

Page 273

1 it.

2 Do you see that?

3 A. Uh-huh.

4 Q. And New Jersey 101.5 reported
5 that their investigation revealed,
6 "unsanitary, dangerous and violent
7 conditions more likely to get a business or
8 residence condemned than can be described
9 as an environment conducive to learning."

10 Do you see that?

11 A. Uh-huh.

12 Q. This photograph is captioned
13 as a "Photograph of Irvington High School
14 classroom taken by a whistleblower faculty
15 member."

16 Do you see that?

17 A. I see that.

18 Q. And do you have any reason or
19 any basis to dispute that this is a photo
20 of Irvington High School?

21 A. I believe it's a photo of
22 Irvington High School, and it looks as
23 though a custodian started to sweep up the
24 trash that may have been left by maybe it
25 was the scholars or whomever, and they

CONFIDENTIAL

Page 274

1 started to sweep it and then someone took a
2 picture of it. But to intimate that that
3 is what the students see when they walk
4 into a classroom and they sit amongst trash
5 is not true.

6 Q. So, to your knowledge, this
7 is a photograph of Irvington High School,
8 correct?

9 A. Yes.

10 Q. And have you spoken to any
11 janitorial staff who told you that they
12 pushed these items into the -- pushed these
13 items together before the photograph was
14 taken?

15 A. No, but I also didn't speak
16 to any staff member who told me that they
17 walk into a class and they see trash like
18 this in the middle of the learning
19 environment, so.

20 Q. The next bullet point says,
21 "The hallways are littered with food waste
22 and vermin, both dead and alive. Outside,
23 garbage bags overflow from dumpsters."

24 Do you see that? Sorry, was
25 that a yes?

CONFIDENTIAL

Page 275

1 A. I didn't see where you
2 were -- is it still on the same page.

3 Q. Yes, just under the
4 photograph.

5 A. Yes, yes.

6 Q. I'll read it again, "The
7 hallways are littered with food waste and
8 vermin, both dead and alive. Outside,
9 garbage bags overflow from dumpsters."

10 Did I read that correctly?

11 A. Yes.

12 Q. "Classrooms suffer from
13 flooding and extensive water damage, with
14 at least one ceiling appearing to be
15 buckling."

16 Do you see that?

17 A. Yes.

18 Q. That's what New Jersey 101.5
19 reported, correct?

20 A. Okay. Yes. Do you want to
21 know about the media outlet that did a
22 story that countered this that showed that
23 what the images, that they were purposeful
24 and intentional in trying to slam a
25 Democratic town and that they walked

CONFIDENTIAL

Page 276

1 through the building unscheduled with the
2 administration and didn't see something
3 that they made appear as if it happened
4 every day?

5 Q. Your counsel will have an
6 opportunity to ask you questions. I have a
7 limited amount of time.

8 A. I understand. I was just
9 wanting to know if you wanted to see the
10 counter-story, so I get that.

11 Q. And I expect that your
12 counsel will discuss that with you.

13 A. Okay.

14 Q. Continuing on in the article,
15 New Jersey 101.5 reported that, "In one
16 restroom, a toilet is completely detached
17 from the wall. In another restroom a sign
18 warns students not to drink tap water."

19 Do you see that?

20 A. You're on page --

21 Q. The top of page 3.

22 A. Okay. Sorry. Yes.

23 Q. Are there signs warning
24 students not to drink tap water?

25 A. No, there aren't any signs

CONFIDENTIAL

Page 277

1 warning students to not drink tap water.
2 During this period of time, there may have
3 been, but because we were changing out
4 certain -- checking for lead, checking as
5 our normal basis, so has there ever been a
6 sign, yes, because that's a normal find,
7 our normal process when we do that. But
8 now we have filtered machines where
9 students can have access and fill up their
10 water bottles and do all of those things.

11 Q. Today, it would be acceptable
12 for students to drink water from the tap if
13 they went into the bathroom or found a sink
14 somewhere else in the school?

15 A. During the time that this
16 article was made, the water would have been
17 acceptable for the scholars to drink.

18 Q. The next bullet point reads,
19 "Mold covers walls and ceiling tiles along
20 with exposed asbestos, oozing chemicals,
21 peeling paint and crumbling masonry and
22 plaster, photos show."

23 Did I read that correctly?

24 A. You read that correctly.

25 Q. "When students and staff are

CONFIDENTIAL

Page 278

1 not dodging falling debris, they're ducking
2 for cover from an increasing number of
3 brawls and riots that break out in
4 classrooms and hallways and spill into the
5 neighborhood, which police officers
6 stationed at the school struggle to
7 contain, a teacher said."

8 Do you see that?

9 A. I see that.

10 Q. And then the article goes on
11 to say that nearly -- "The nearly
12 100-year-old building, meanwhile, lacks
13 proper security and members of street gangs
14 are able to walk into the building, a
15 teacher said."

16 A. Wow.

17 Q. Do you see that?

18 A. I see that. And wow.
19 It's -- it, obviously, someone fed what
20 101.5 wanted to hear, but I reiterate that
21 I am a physical superintendent and this
22 does not match the narrative that I would
23 give of Irvington High School, nor anyone
24 else who has on an ongoing basis gone to
25 the school, or separate media outlets that

CONFIDENTIAL

Page 279

1 are not -- that don't have a political
2 vent, so.

3 Q. If we turn the page, the
4 article reports, "Our day at Irvington High
5 School is basically about trying to make
6 sure nobody gets hurt, a whistleblowing
7 teacher told New Jersey 101.5".

8 Do you see that?

9 A. Yes, uh-huh.

10 Q. "This is something that is
11 constantly being covered up. The children
12 are suffering."

13 Do you see that?

14 A. Uh-huh.

15 Q. If we move on lower in the
16 article, it states, "It is quite disturbing
17 that I am now responding to an anonymous
18 complaint when there are processes and
19 procedures in place to deal with such
20 matters, i.e. reporting to principal,
21 reporting to union representatives, et
22 cetera."

23 And that's something that
24 you said; is that right?

25 A. Yes.

CONFIDENTIAL

Page 280

1 Q. Okay. Do you recall making
2 that statement?

3 A. Vaguely.

4 Q. Okay.

5 A. Yes.

6 Q. You go on to say, "It is
7 concerning to me out of the 70-plus
8 teachers, this is an anonymous complaint
9 that should affect the entire school and
10 not just one teacher."

11 Do you see that?

12 A. Yes.

13 Q. Do you recall making that
14 statement?

15 A. Yes.

16 Q. Okay. New Jersey 101.5 goes
17 on to report, "While the conditions of the
18 school, which serves as a largely low
19 income and underserved community, raise
20 questions about management and oversight of
21 a budget that includes \$138.4 million in
22 state aid, the increasing violence might be
23 another indication of behavior issues that
24 have become widespread among students after
25 the pandemic lockdowns in New Jersey."

CONFIDENTIAL

Page 281

1 Do you see that?

2 A. I see that statement.

3 Q. And next, the article --

4 A. But I have to -- I have to
5 raise a point.

6 Q. Sorry.

7 A. When you say, they raised
8 questions about the management and
9 oversight of a budget, and then they give a
10 number of -- financially, we would be a
11 district that has several years of zero
12 audit findings. So if the implication is
13 that funds are being mismanaged, then that
14 would not be in keeping with reality.

15 Q. The article goes on to
16 include a number of photographs that I
17 would like to walk through with you right
18 now.

19 A. Uh-huh.

20 Q. The report states, "A
21 whistleblowing teacher says Irvington High
22 School is falling apart. In these images
23 taken from the past year, the extent of the
24 deterioration is evident contributing to an
25 environment that is also beset by growing

CONFIDENTIAL

Page 282

1 violence among the student body."

2 Do you see that?

3 A. I see that.

4 Q. On page 5, this photo is
5 described as a disturbing school image. Do
6 you see that?

7 A. I do.

8 Q. Do you have any reason to or
9 any basis to dispute that the photograph
10 that is featured on page 5 was taken of an
11 Irvington public school?

12 A. I don't have a reason to
13 believe this isn't an image of an Irvington
14 public school classroom, but my question
15 would be under -- during what year and what
16 time frame are you saying that this image
17 existed. I would -- I would -- I would not
18 agree that during the time that this
19 article was made that that was.

20 Q. And I just, I'm looking at
21 your testimony, I want to make sure that
22 I'm understanding, you don't have a basis
23 to disagree or dispute that this was
24 taken -- this photograph was taken of a
25 school in the district, your question is

CONFIDENTIAL

Page 283

1 merely about the time period --

2 A. Yeah.

3 Q. -- is that right?

4 A. I believe this came from an
5 SDA report that was made around 2014 or
6 somewhere a little earlier than that. And
7 it was in an effort to get support from the
8 state to make repairs to certain areas of
9 the school district that were in disrepair.

10 Q. And for anyone who doesn't
11 know or isn't familiar with that acronym,
12 what does SDA stand for?

13 A. School Development Authority.

14 Q. Okay. And what is your basis
15 for believing that this photo and others
16 that you've referenced were part of an SDA
17 report?

18 A. Because I saw an SDA report
19 that had some of these images within it, so
20 I -- and then, also, when I went to the
21 high school to walk through with my
22 superintendent so that he could see the
23 condition of the school, he didn't see
24 these images, neither did the person who
25 came from another county as to, I guess,

CONFIDENTIAL

Page 284

1 verify that what my county superintendent
2 would vouch for would be what he would
3 vouch for. And after that, they said we
4 don't see these things. So, I mean
5 that's -- and so upon, you know, looking at
6 previous photos from an SDA report that was
7 produced, it was like, oh, this is where
8 these images came from. Because I didn't
9 see these images and I've never seen these
10 types of images at the high school. So we
11 dug deep and said, oh, that's where these
12 images came from.

13 Q. Do you have a copy of that
14 SDA report?

15 A. I don't, but I can possibly
16 produce it.

17 Q. Yes. We will request the
18 production of that SDA report.

19 A. Okay.

20 Q. We can email about that
21 separately, Michael.

22 Let's turn the page to
23 page 6. Do you have any basis to dispute
24 that the photos that were taken and
25 included on page 6 of this article are of a

CONFIDENTIAL

Page 285

1 school within the Irvington Public Schools
2 District?

3 A. No.

4 Q. If we turn the page to
5 page 7, do you have any basis to dispute
6 that the photos that were -- that are
7 included here were taken of a school within
8 the Irvington Public Schools District?

9 A. No.

10 Q. On page 8, do you have any
11 reason to dispute that the images are
12 contained here were taken of a school
13 within the Irvington Public Schools
14 District?

15 A. No.

16 Q. On page 9, do you have any
17 reason to dispute that the images that are
18 included here were taken of a school in the
19 Irvington Public Schools District?

20 A. No.

21 Q. On page 10, do you have any
22 reason to dispute that the images that are
23 included here were taken of a school within
24 the Irvington Public Schools District?

25 A. I would say no.

CONFIDENTIAL

Page 286

1 Q. In an effort to expedite this
2 a bit, as to pages 11 through 19, do you
3 have any reason to dispute that any of the
4 images that are contained on those pages
5 were taken of schools in the Irvington
6 Public Schools District?

7 A. No.

8 Q. Let's take a look
9 specifically at page 16 of the article.
10 Dr. Vauss, you testified that currently it
11 is safe and there's no issue drinking water
12 from the tap at the school that we're
13 currently at, which is University
14 Elementary School, correct?

15 A. I don't believe we have taps.
16 I believe we have filter machines where
17 children can put a bottle and get water.

18 Q. I understand. I'm referring
19 to -- and maybe my question wasn't clear --
20 earlier, is it -- today, is it safe for
21 children to drink water from the bathroom
22 sink?

23 A. I think theoretically, but I
24 don't think most of the -- most anyone
25 drinks water from a bathroom tap, but it's

CONFIDENTIAL

Page 287

1 just because maybe psychologically,
2 because, you know, they don't normally do
3 that, but.

4 Q. On page 16, the top image
5 includes a sign that says, "Caution, do not
6 drink the water."

7 A. Uh-huh.

8 Q. Do you see that?

9 A. Uh-huh.

10 Q. Are you aware that those
11 signs are currently displayed in bathrooms
12 at this elementary school where we're
13 taking this deposition?

14 A. I'm not aware, but I would
15 imagine much like what I just said, that
16 they would say don't drink the water in the
17 bathroom. I mean, I think that we -- we
18 have filtered water in the hallways and I
19 don't know why they would dissuade them, I
20 couldn't say. I really couldn't answer
21 that, to be honest.

22 Q. So you weren't aware that
23 these signs were displayed is what --

24 A. I may have seen them, I may
25 have, but I can't say, yes, I saw it on --

CONFIDENTIAL

Page 288

1 in this bathroom, you know, in this place
2 or that place, because if this is a student
3 bathroom, I wouldn't have an occasion to go
4 into a student bathroom.

5 Q. And you do not have an
6 understanding of what is meant by this do
7 not drink the water sign that appears in a
8 number of the bathrooms in this school?

9 MR. INNES: Objection. Lack
10 of foundation.

11 MR. KARP: You can answer.

12 THE WITNESS: So, no, I'm not
13 aware, but I'm thinking that these
14 same signs aren't near the places
15 where our students drink water. So
16 it would be in the bathroom and the
17 rationale and the why, I couldn't
18 begin to explain.

19 BY MR. KARP:

20 Q. Have you ever received
21 complaints about the safety of the drinking
22 water at any Irvington public school?

23 A. I've had people ask that we
24 check the water to make sure that the water
25 is drinkable. I think more, I think as a

CONFIDENTIAL

Page 289

1 result of the lead issue that may have
2 taken place in Newark Public Schools, that
3 they believe our water sources are the same
4 and they are not.

5 Q. I understand. Let's look
6 briefly at page 19. Toward the bottom of
7 the page, New Jersey 101.5 reported that
8 this whistleblowing teacher said,
9 "Everything is dilapidated, it's falling
10 apart. There are cockroaches everywhere,
11 there's rodents, there's mold coming from
12 the walls. After a big rainstorm, floods,
13 water coming from the ceiling."

14 Do you see that?

15 A. I see that.

16 Q. That's what was reported in
17 this article, correct?

18 A. Yeah, that was reported in
19 this article. Allegedly reported. I don't
20 know who the teacher is. I don't know. So
21 it was allegedly said by a teacher, yes.

22 Q. Let's take a look at page 21.
23 This section is called, "Chaos in the
24 streets; gangsters walking to the school,"
25 correct?

CONFIDENTIAL

Page 290

1 A. Yes.

2 Q. And the article states, "For
3 several months, Irvington High School tried
4 a staggered dismissal schedule as part of a
5 plan to stop students from fighting. But
6 the teacher who spoke to New Jersey 101.5
7 said that plan was abandoned because
8 warring factions of students would simply
9 wait for each other outside the building.
10 The brawls often end up on TikTok and
11 SnapChat."

12 Do you see that?

13 A. Yes.

14 Q. "The teacher said another
15 problem is many of the doors leading into
16 the school do not have alarms and are not
17 locked and can be easily opened."

18 Do you see that?

19 A. I see that. And I'll tell
20 you, there were so many teachers who were
21 offended by what was said here,
22 specifically about our students as if there
23 were gangs of students who were, you know,
24 circling around in the school or waiting
25 outside. And, once again, it was a teacher

CONFIDENTIAL

Page 291

1 who said that this was an issue. And
2 never, you know, I mean, I have no way to
3 say that it wasn't a teacher that said it,
4 but I also don't have anything that was
5 produced or anything that really proves
6 that a teacher said this.

7 Q. And what the article reported
8 in this section is for some of these brawls
9 and fights, students would take video of
10 them and post that content to TikTok or
11 SnapChat, correct?

12 A. Yes.

13 MR. INNES: Do you have?

14 THE WITNESS: But --

15 MR. INNES: No, go ahead.

16 THE WITNESS: I was going to
17 say, it's funny it's the TikTok and
18 SnapChat, but they don't mention
19 Instagram, which is -- was
20 notorious for having fights placed
21 on there or any type of thing that
22 would get likes or shares. I mean,
23 you know, maybe they are aware of
24 the usage of, you know, TikTok to
25 post the fights. I've heard of the

CONFIDENTIAL

Page 292

1 SnapChat, but, you know, yeah, so.

2 BY MR. KARP:

3 Q. If we look at the very last
4 page of this -- or actually strike that.

5 Just to make sure I can
6 close the loop on that, what you were just
7 referring to is that for some of these
8 brawls and fights, video would have been
9 taken and the content would have been
10 posted on Instagram is the other platform
11 that you're adding to the list?

12 A. And I would think that if
13 they had any awareness of it, it was
14 because it was shared, it wasn't that it
15 was just placed up on there, that it was
16 shared and it spread. And that's maybe
17 how, if it was on TikTok and SnapChat,
18 whatever this person is referring to, then
19 it would have been something that was
20 shared. And that's how he or she became
21 aware of it.

22 Q. On the last page of this
23 article, there's a section called,
24 "Teachers do not feel safe."

25 Do you see that?

CONFIDENTIAL

Page 293

1 A. Uh-huh.

2 Q. "The whistleblower said that
3 during the winter there was no heat in the
4 school and temperatures in the classrooms
5 were in the 30s."

6 Do you see that?

7 A. Yes.

8 Q. "Teachers do not feel safe,
9 the teacher added. It's a very uneasy
10 feeling and you don't know what's going to
11 happen next."

12 Do you see that?

13 A. Uh-huh.

14 Q. Next the teacher stated that
15 you had reassured faculty that you would be
16 available to discuss any concerns and had
17 promised to check in with the staff
18 throughout the year.

19 A. Uh-huh.

20 Q. "But we're going on about six
21 months and we haven't seen her," meaning
22 you, Dr. Vauss; is that correct?

23 A. Which is amazing. But it
24 fits a narrative, because I have an on -- a
25 standing monthly meeting with the union

CONFIDENTIAL

Page 294

1 representation for the district and for
2 this person to say that I haven't been seen
3 in six months is incredulous. But it would
4 be something that would, you know, I
5 would -- and this is my conjecture, it
6 would get the attention of someone who
7 wanted to paint a narrative, someone at
8 101.5.

9 Q. That's what was reported by
10 New Jersey 101.5, correct?

11 A. That's what was reported by
12 the Republican 101.5 site that makes note
13 of, I guess, in here the Democratic mayor
14 in the article as well, which I don't
15 understand what relevance that has to
16 school, but ...

17 Q. You can put this article to
18 the side. Dr. Vauss, I'm going to hand you
19 tab 19, which we will mark as Exhibit 22.
20 And this is Bates starting
21 BW__Irvington00489736.

22 A. Uh-huh.

23 - - - - -

24 (Email dated 11/14/23 Bates

25 BW__Irvington00489736 to 00489737

CONFIDENTIAL

Page 295

1 marked Vauss Exhibit 22 for
2 identification.)

3 - - - - -

4 BY MR. KARP:

5 Q. Do you see that? And this is
6 a November 14, 2023, email. Do you see
7 that?

8 A. Uh-huh.

9 Q. The subject line is, "Grief
10 Email with Resources."

11 Do you see that?

12 A. Yes.

13 Q. And this email was sent by
14 Tawana Moreland to you?

15 A. Yes.

16 Q. Have you seen this email
17 before?

18 A. I'm sure I have.

19 Q. Have you had a chance to look
20 it over?

21 A. I'm sure at this, around this
22 time period, yes, I did, I'm sure.

23 Q. I just meant today --

24 A. Oh.

25 Q. -- have you had a chance to

CONFIDENTIAL

Page 296

1 look it over?

2 A. Okay. Let me look at it
3 right now. Yes.

4 Q. Who is Tawana Moreland?

5 A. She is the director for early
6 childhood.

7 Q. That's consistent with your
8 signature block at the bottom of this
9 email, correct?

10 A. Yes.

11 Q. And Ms. Moreland is emailing
12 you regarding grief resources.

13 Do you see that?

14 A. Yes.

15 Q. Do you recall why
16 Ms. Moreland reached out in this email?

17 A. Yes.

18 Q. Why did she reach out?

19 A. Ms. Benbow had suffered a
20 loss.

21 Q. And do you recall what that
22 loss was?

23 A. Yes.

24 Q. Can you tell me more about
25 that?

CONFIDENTIAL

Page 297

1 A. Ms. Benbow's daughter was
2 murdered.

3 THE STENOGRAPHER: What --

4 THE WITNESS: Ms. Benbow's
5 daughter was murdered.

6 BY MR. KARP:

7 Q. And that would have been a
8 very serious and tragic event for the
9 Irvington community, correct?

10 A. Yes. Her daughter was one of
11 my students. I had her as a teacher.

12 Q. I'm very sorry about that.
13 Is it fair to say that a traumatic and
14 tragic event like a murder would have a
15 negative effect on students at Irvington
16 Public Schools?

17 MR. INNES: Objection.

18 THE WITNESS: I believe a
19 murder would have a negative effect
20 on any community and, yes,
21 including Irvington Public Schools.

22 BY MR. KARP:

23 Q. And if you need a minute
24 to --

25 A. I'm okay. I'm all right.

CONFIDENTIAL

Page 298

1 Q. And Ms. Moreland was reaching
2 out about grief resources that could be
3 provided to students at Irvington Public
4 Schools, correct?

5 A. Yes.

6 Q. To help them process and
7 grieve this very terrible incident,
8 correct?

9 A. She wanted it to -- she
10 wanted to offer it to Ms. Benbow.

11 Q. And Ms. Benbow, to make sure
12 I'm understanding, was the mother of the
13 child who was murdered?

14 A. Yes.

15 Q. Okay. Did Irvington Public
16 Schools offer support services and grief
17 counseling to its students when this event
18 took place?

19 A. At this time, Ms. Benbow's
20 daughter had already graduated, was grown,
21 so most of our students would not have
22 known her.

23 Q. Okay. So Ms. Benbow's
24 daughter at the time of this murder was a
25 former IPS student?

CONFIDENTIAL

Page 299

1 A. Yes.

2 Q. Was there any -- was there
3 any concern that some students at Irvington
4 Public Schools knew her?

5 A. Well, her siblings.

6 Q. Her siblings were current
7 students of Irvington Public Schools?

8 A. Yes.

9 Q. I understand. Without
10 dwelling on this anymore, fair to say that
11 this was a very difficult and tragic event
12 for the Irvington Public Schools community?

13 A. Yes. When I say she was my
14 student, I mean she was my student. She
15 was in my fourth grade class that I taught.
16 So it was -- it was very tragic and harmful
17 and hurtful, yes, it was.

18 - - - - -

19 (Stenographer clarification.)

20 - - - - -

21 BY MR. KARP:

22 Q. We can put this to the side.
23 Do you need a break?

24 A. No, I'm good.

25 Q. Talking more generally about

CONFIDENTIAL

Page 300

1 this -- strike that.

2 Talking more generally about
3 tragic events of this nature, what grief
4 counseling or mental health support
5 services does Irvington Public Schools have
6 in place for students?

7 A. So we have, we have various
8 mental health, you know, venues for
9 students. But if we're speaking
10 specifically for grief counseling, we have
11 a system in place that if we lose a staff
12 member or a scholar or anyone, any member
13 of our Irvington school community, we
14 dispatch our HSSCs and social workers to
15 that location and we, in a very intentional
16 way, if we have to break the news to the
17 students that this has happened or if they
18 already know, we just provide support in a
19 way of our school counselors, our HSSCs,
20 and to, you know, help them process this.

21 Q. Following the death of Ms.
22 Benbow's daughter, do you recall if any
23 students took advantage of those grief
24 counseling and support services and
25 resources that the district had available?

CONFIDENTIAL

Page 301

1 A. Not to my knowledge. She
2 wasn't a student at the time this happened.
3 And she had not -- she was in her twenties,
4 so most of the students didn't know her
5 other than her siblings.

6 Q. I understand. To your
7 knowledge -- strike that.

8 To the extent that anyone at
9 IPS did know her, are you aware of whether
10 they sought any of these grief counseling
11 or support services?

12 A. Not to my knowledge.

13 Q. One of the counseling
14 services that was mentioned in the email
15 that Ms. Moreland sent you is called
16 PerformCare. Are you familiar with
17 PerformCare?

18 A. I am.

19 Q. What is PerformCare?

20 A. Well, PerformCare provides a
21 myriad of counseling, assistance to our
22 scholars, and particularly to our families,
23 whether it's counseling that has to do with
24 behavior or grief or any type of loss, they
25 provide services sometimes and usually,

CONFIDENTIAL

Page 302

1 from my recollection, usually they provide
2 those services in the home. They'll make
3 themselves available to counsel the family
4 or the individual in the home.

5 Q. Okay. And in this instance,
6 PerformCare, Ms. Moreland hired --
7 highlighted for you, excuse me, that
8 PerformCare could offer bereavement
9 counseling for young children, right?

10 A. Uh-huh, yes.

11 Q. Is that something that the
12 district ultimately offered through
13 PerformCare?

14 A. We do for -- if we know of a
15 student that may have suffered some type of
16 tragedy, if we're aware, then we offer it
17 to a family if they have limited resources
18 or if they have other resources, we just
19 offer it.

20 Q. Sure. We're going to shift
21 gears and talk about something else now.
22 Are you sure you don't need a break?

23 A. I'm fine.

24 Q. I'm handing you tab 22, which
25 we will mark as Exhibit 23. Dr. Vauss,

CONFIDENTIAL

Page 303

1 have you seen this document before?

2 A. I have.

3 Q. Can you tell me what this
4 document is?

5 A. I believe this complaint is
6 as it relates to a student who happened to
7 be special needs who urinated on another
8 student.

9 MR. INNES: So, Counsel,
10 before you ask another question I'm
11 going to make another statement on
12 the record and maybe you just
13 haven't been part of the discovery
14 issues in this case, but we have
15 taken the position that we're not
16 producing documents that address
17 individual students or individual
18 student harm. So I guess I'll let
19 you ask questions about this, but I
20 think at the moment, I'm going to
21 object to the entire line of
22 questioning.

23 MR. KARP: I wasn't aware of
24 that, I'll represent that on the
25 record. How about this, let's put

CONFIDENTIAL

Page 304

1 this document to the side for now
2 and I'll continue with some other
3 questions and we'll take a quick
4 break a little bit later so that I
5 can sort out whether I want to
6 revisit.

7 MR. INNES: Okay. We can
8 also -- I mean, if we're going to
9 go to another day, which I think
10 we've agreed to, we can talk about
11 it and revisit it then if you want.

12 BY MR. KARP:

13 Q. Sure. Dr. Vauss, I am
14 handing you tab 25. We're going to scrap
15 the other Exhibit 23 designation that I
16 gave for the document earlier, as I'm not
17 sure whether we'll proceed with that. This
18 document, tab 25, will be marked as
19 Exhibit 23. And for the record, this is
20 Bates starting BW__Irvington 00063621.

21 Dr. Vauss, this is a
22 January 24, 2023, email. Do you see that?

23 A. I see this.

24 - - - - -

25 (Email dated 1/24/23 Bates

CONFIDENTIAL

Page 305

1 BW__Irvington00063621 to 00063622
2 marked Vauss Exhibit 23 for
3 identification.)

4 - - - - -

5 BY MR. KARP:

6 Q. The subject line is,
7 "Important - New Jersey school districts
8 Social Media Lawsuit."

9 Do you see that?

10 A. Uh-huh.

11 Q. This is from William Shinoff
12 at frantzlawgroup.com?

13 A. Yeah, I see that.

14 Q. Okay. Who is Mr. Shinoff?

15 A. It says he's a lawyer, but I
16 don't know, I don't know him. I have never
17 spoken to him ever.

18 Q. You've never spoken with Mr.
19 Shinoff?

20 A. No.

21 Q. Do you recall receiving this
22 email?

23 A. I don't recall receiving
24 this.

25 Q. The email states, "Dear

CONFIDENTIAL

Page 306

1 superintendent, Over the past three years,
2 the attorneys at Frantz Law Group and I
3 have been working tirelessly representing
4 nearly 1,000 school districts across the
5 country against JUUL Labs and Altria to
6 hold them accountable for the youth vaping
7 epidemic that is impacting our nation. As
8 a result of these efforts, in December of
9 2022 a proposed settlement was reached with
10 JUUL Labs and its founders, directors, and
11 board members. JUUL agrees to pay 1.2
12 billion in youth vaping settlement,
13 Bloomberg News, Reuters," and that appears
14 to be a link.

15 Do you see that?

16 A. Yeah, I see that.

17 Q. Okay. Did Irvington Public
18 Schools participate in any litigation
19 against JUUL Labs?

20 A. Not to my knowledge, not
21 during my tenure. I know of no lawsuit
22 with JUUL.

23 Q. What about any litigation --
24 or strike that. Let me rephrase.

25 Has Irvington Public Schools

CONFIDENTIAL

Page 307

1 participated in any litigation against
2 Altria?

3 A. Not to my knowledge.

4 Q. Do you know anything about
5 the claims that were made by litigants
6 against JUUL Labs and Altria as they're
7 described by Mr. Shinoff in this email?

8 MR. INNES: Objection.

9 THE WITNESS: I have no idea.

10 BY MR. KARP:

11 Q. Prior to seeing this email in
12 today's deposition, were you aware of any
13 litigation that school districts had
14 brought against JUUL Labs or Altria?

15 A. I was not aware of any.

16 Q. This is the first you're
17 hearing of that type of -- that litigation?

18 A. Yeah. I mean, yes, I'm not
19 aware of them being sued or anything like
20 that, no.

21 Q. Let's continue reading, Mr.
22 Shinoff wrote, "While we continue our
23 litigation against Altria for the vaping
24 epidemic, there is another matter that
25 needs to be addressed by school districts

CONFIDENTIAL

Page 308

1 across the country, and this is the mental
2 health crisis that has been caused by
3 social media companies."

4 Do you see that?

5 A. I do.

6 Q. Mr. Shinoff goes on to say,
7 "Frantz Law Group is in the process of
8 beginning litigation on behalf of school
9 districts against Facebook, TikTok, Snap,
10 and YouTube."

11 Do you see that?

12 A. Yes, I see it.

13 Q. Is it your understanding that
14 those are the Defendants in the case that
15 Irvington has brought against social media
16 companies?

17 A. Yes, I think those are the
18 the companies that you list that you
19 represent.

20 Q. "This lawsuit alleges that
21 these companies have caused a mental health
22 crisis among children and teenagers that is
23 marked by higher proportions of anxiety,
24 depression, and thoughts of self-harm, all
25 of which severely affect their ability to

CONFIDENTIAL

Page 309

1 succeed in school."

2 Do you see that?

3 A. Uh-huh.

4 Q. This is an email that Mr.
5 Shinoff sent to you as the superintendent,
6 correct?

7 A. Uh-huh, yes.

8 Q. Are you aware of whether
9 other superintendents received this email?

10 A. I'm not --

11 MR. INNES: Objection.

12 THE WITNESS: Oh, sorry. I'm
13 not aware.

14 BY MR. KARP:

15 Q. Let's go down a little bit in
16 this email to the third to last paragraph.
17 "This lawsuit will be similar to the JUUL
18 lawsuit as we will be seeking to coordinate
19 various lawsuits into one multi-district
20 litigation overseen by one judge. All that
21 will be required from your district to
22 participate is to fill out at a later date
23 a court-ordered discovery questionnaire."

24 Do you see that?

25 A. Uh-huh.

CONFIDENTIAL

Page 310

1 Q. According to Mr. Shinoff, all
2 that a school district needed to do to
3 participate in this litigation was to fill
4 out a questionnaire?

5 A. Uh-huh.

6 Q. Do you see that?

7 A. I see that.

8 Q. "In addition, there is no
9 cost to your school district to join this
10 matter as we are handling this case on a
11 contingency fee basis. As such there is no
12 financial harm for your District to be
13 involved because if there is no recovery,
14 then your District will pay no fees and
15 will not have to reimburse any litigation
16 cost we advance on your behalf."

17 Do you see that?

18 A. Uh-huh, yes.

19 Q. According to Mr. Shinoff, a
20 school district could join this lawsuit at
21 no cost, correct?

22 A. Yes.

23 Q. And then the last statement
24 that Mr. Shinoff makes in this email is
25 that, "If you are interested in learning

CONFIDENTIAL

Page 311

1 more or if you would like a copy of this
2 contingency fee agreement to join this
3 matter, please contact me at
4 wshinoff@frantzlaw.com --
5 frantzlawgroup.com or at 619-964-0073."

6 Do you see that?

7 A. I see that.

8 Q. Did you respond to
9 Dr. Shinoff -- to Mr. Shinoff when you
10 received this email?

11 MR. INNES: Objection. She
12 already testified she didn't even
13 remember receiving it.

14 MR. KARP: She can tell me
15 that right now if she wants.

16 MR. INNES: Okay. So before
17 you do that, you've spent, what,
18 five, ten minutes questioning a
19 witness about a document she says
20 she never saw, reading it to her to
21 see if you read it correctly. This
22 isn't a deposition that you think
23 you need more than you need seven
24 hours. It's your record. Go for
25 it.

CONFIDENTIAL

Page 312

1 MR. KARP: Dr. Vauss, you may
2 answer the question.

3 THE WITNESS: Can you repeat
4 the question?

5 BY MR. KARP:

6 Q. Sure. Do you recall
7 reaching -- strike that.

8 Did you reach out to Mr.
9 Shinoff in response to this email?

10 A. No, I did not.

11 Q. Okay. That was the only
12 question I had. Let's move on.

13 MR. INNES: I know you've got
14 questions your co-counsel wanted to
15 ask, but, quite honestly, some of
16 them are just an absolute waste of
17 time.

18 BY MR. KARP:

19 Q. I'm handing you tab 26, which
20 we will mark as Exhibit 24.

21 This is an August 3, 2023,
22 email from Mr. Shinoff to you.

23 Do you see that?

24 A. I see it.

25 - - - - -

CONFIDENTIAL

Page 313

1 (Email dated 8/3/23 Bates
2 BW__Irvington00070026 to 00070028
3 marked Vauss Exhibit 24 for
4 identification.)

5 - - - - -

6 BY MR. KARP:

7 Q. Okay. Do you recall
8 receiving this email?

9 A. I do not.

10 Q. The subject is, "New Jersey
11 School District Social Media Lawsuit
12 Update."

13 Do you see that?

14 A. Oh, I see it, yes.

15 Q. And this email is addressed
16 specifically to you, it says, Dear
17 Dr. Vauss.

18 Do you see that?

19 A. I see that.

20 Q. Or excuse me, Dear
21 Superintendent Vauss.

22 A. Yes, yes. So I probably get
23 all kinds of companies and maybe not always
24 someone trying to have a -- mention a
25 lawsuit against a social media or someone

CONFIDENTIAL

Page 314

1 else, but I often get solicited and it may
2 go from the very general to it will go to
3 finding out what my name is to make it more
4 personal, I guess, but I've never spoken to
5 this man.

6 Q. Just to make sure I heard you
7 correctly, you've never spoken to Mr.
8 Shinoff?

9 A. No, I haven't.

10 Q. Fair to say --

11 A. And I don't recall this, this
12 email, but I mean, if you say it was sent
13 to me, that's my email address, but,
14 unfortunately, if it's not filtered to be
15 important or someone that I've interacted
16 with, it's probably in my emails, but it's
17 not something that I've engaged with.

18 Q. This is an -- this email was
19 sent in August of 2023.

20 Do you see that?

21 A. I see that.

22 Q. The last email we looked at
23 was sent, I believe, in January of 2023.

24 A. Uh-huh.

25 Q. Do you happen to know when

CONFIDENTIAL

Page 315

1 Irvington Public Schools filed this lawsuit
2 against social media companies?

3 A. I'm not -- I'm not aware of
4 the exact date, I'm not, I mean, that's not
5 in my mind, the exact date. I know it may
6 have been in 2023. I'm not sure of the
7 exact date.

8 Q. Are you able to approximate
9 when?

10 MR. INNES: Objection. You
11 asked her this, like, six hours ago
12 and she didn't know the answer.
13 You could have between now and then
14 gotten a copy of the Complaint and
15 put it in front of her as an
16 exhibit and we wouldn't have to
17 guess.

18 MR. KARP: I can ask my
19 questions as I would like to ask my
20 questions. Your objection is
21 noted. Please limit them to form
22 objections going forward.

23 Dr. Vauss, I was simply
24 wondering if you could
25 approximate when Irvington Public

CONFIDENTIAL

Page 316

1 Schools filed this lawsuit
2 against social media.

3 MR. INNES: Objection. Asked
4 and answered.

5 THE WITNESS: I couldn't
6 approximate.

7 BY MR. KARP:

8 Q. And your testimony is you
9 don't recall having received this email,
10 correct?

11 MR. INNES: Objection. Asked
12 and answered.

13 THE WITNESS: Yes, that's what
14 I said. I don't recall.

15 BY MR. KARP:

16 Q. Do you have any -- strike
17 that.

18 I may have a few more
19 things, but I think I'm at a good breaking
20 point. Can we -- let's go off the record
21 just for a few minutes to see if there's
22 anything more I need to cover.

23 MR. INNES: Sure.

24 THE VIDEOGRAPHER: The time
25 right now is 5:31 p.m. We are off

CONFIDENTIAL

Page 317

1 the record.

2 - - - - -

3 (A recess was taken at this time.)

4 - - - - -

5 THE VIDEOGRAPHER: The time
6 right now is 5:49 p.m. We are back
7 on the record.

8 BY MR. KARP:

9 Q. Dr. Vauss, welcome back. We
10 are approaching the end of today. After
11 discussing with your counsel, we've agreed
12 to leave the deposition open and to find a
13 second day to complete your deposition. So
14 the good news is that you are done for the
15 day. The bad news is you're going to see
16 me again at some time in the near future.

17 A. That's okay.

18 Q. But for now, I believe we are
19 done for the day.

20 MR. INNES: Sounds good.

21 THE VIDEOGRAPHER: Mr. Karp
22 has been on the record today for
23 five hours and 51 minutes. The
24 time right now is 5:49 p.m. We are
25 off the record.

CONFIDENTIAL

Page 318

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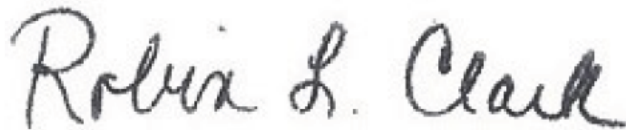
- - - - -
(Whereupon, the deposition
was concluded at 5:49 p.m.)
- - - - -

CONFIDENTIAL

Page 319

C E R T I F I C A T I O N

I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter on May 6, 2025, and that this is a correct transcript of same.



Robin L. Clark

Registered Professional Reporter

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or supervision of the certifying reporter.)

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Page 320

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections.

You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

CONFIDENTIAL

Page 322

ACKNOWLEDGMENT OF DEPONENT

I, APRIL K. VAUSS, do hereby
certify that I have read the foregoing pages
and that the same is a correct
transcription of the answers given by me to
the questions therein propounded, except for
the corrections or changes in form or
substance, if any, noted in the attached
Errata Sheet.

DATE

SIGNATURE

Subscribed and sworn to before me this
day of ,
2025.

My commission expires:

Notary Public